

Building a State From a Broken Nation: The Case of Bosnia-Herzegovina

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Abstract: *Following the dissolution of Yugoslavia, the newly formed state of Bosnia-Herzegovina became embroiled in a brutal civil war between the state's Serbian, Croatian, and Bosniak Muslim groups. To resolve the conflict, international representatives constructed the Dayton Peace Accords, a constitutional document that implemented Arend Lijphart's model of consociational democracy in Bosnia-Herzegovina in an effort to create power-sharing structures of government. However, the implementation of consociational democracy in Bosnia-Herzegovina was short sighted, as the international actors failed to recognize the importance of several pre-requisites necessary to create a political environment conducive to Lijphart's consociationalism. Furthermore, the Dayton Peace Accords facilitated the geographical segregation of ethnic factions within the state. As a result, Bosnia-Herzegovina has fallen into political and economic stagnation, and is almost entirely devoid of a collective identity or civil society, making the formal division of the state along ethnic lines the only viable option for the state's future success and development.*

Introduction

In 1995, the Dayton Peace Accords were signed in Bosnia-Herzegovina to put an end to the devastating civil war that had plagued the country since its independence. The Bosnian Civil War was fought between the country's three dominant ethnic and religious factions: Bosniak Muslims, Serbian Orthodox Christians, and Roman Catholic Croats. The conflict quickly devolved into systemic practices of ethnic cleansing, which ultimately prompted the international community to intervene and implement a democratic system of government that would facilitate a lasting peace and union between the three distinct ethnic populations in Bosnia-Herzegovina. To achieve these goals, the Dayton Peace Accords divided the state into two nearly ethnically homogenous regions, the Republika Srpska and the Bosnian Federation, and united them under a system of government resembling Arend Lijphart's model of consociational democracy, which is intended to promote stable democracy in ethnically fragmented societies.¹

Unfortunately, the social and political climate in Bosnia-Herzegovina was far from prepared to transition effectively to the new power-sharing form of democratic government installed by the international community. Ultimately, the failure of consociational democracy in Bosnia-Herzegovina can be attributed to a lack of overarching state loyalties and absence of cooperation amongst political elites, factors which Lijphart outlines as essential for the functioning of consociationalism and undeniably crucial components for successful state building. As a result of the state's stark geographic segregation and the immiscible nature of competing ethnic political factions, Bosnia-Herzegovina has fallen into political and economic stagnation, leaving a formal partition of the state as the population's only realistic prospect for future development and prosperity.

¹ Arend Lijphart, "Consociational Democracy," *World Politics* 21, no. 2 (1969): 211, <https://is.muni.cz/el/1423/jaro2005/EUP405/lijphart69.pdf>.

Implementing Lijphart's Consociationalism

Following the conclusion of the civil war, Bosnia-Herzegovina was in desperate need of a government system that would ensure the representation of Serbians, Bosniak Muslims, and Croats in the political landscape. To accomplish this, the state's constitution, the Dayton Peace Accords, was designed to reflect the ideals of consociational democracy; a model developed by renowned political scientist Arend Lijphart. A consociational system of democracy is defined by Lijphart as "government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy."² The institutional structures that typically set consociational democracies apart from other forms of democratic government include: a deeply segmented society, regional autonomy, a government formed by a coalition of political elites, proportional representation in government, and most notably, the existence of a "mutual minority veto", which affords each group broad power to block legislation they deem is "threatening."³ While researching and developing the model of consociationalism, Lijphart determined several factors that were favorable to creating a successful consociational democracy in a divided society. The most significant factors that Lijphart identified were the existence of an external threat, a tradition of elite accommodation, geographical concentration of factions of equal size, and most importantly, overarching and crosscutting loyalties to the state.⁴

The presence of an external threat is important to a newly consociational state because it necessitates unity and promotes internal cooperation, thereby creating connections between subcultures.⁵ Similarly, a tradition of elite cooperation is essential in order to maintain the cohesion of groups within the state and to reduce the amount of obstructionism through the use of the legislative veto power that elites hold in consociational systems. Geographical concentration aids the functionality of consociationalism, because it ensures that political parties representing specific segments of society receive electoral support from their respective populations.⁶ Above all, overarching loyalties to the state are most important because there must be consensus that remaining a single state would be better than separation in order for consociationalism to be successful. An essential component in creating this state loyalty is the cultivation of a civil society that facilitates individual interaction across group divisions. Global studies scholar B.I. Zelenko defines civil society succinctly as "involving relations among people as market participants, owners, partners, competitors, neighbors, members of public associations and movements, churches, friendly associations, and clans," that are apparent across "horizontal social connections."⁷ The existence of civil society within a state greatly contributes to Lijphart's ideals of consociational democracy by providing a foundation for crosscutting relationships that would lead to overarching cooperation and state loyalties for the purpose of working towards common social and political goals.

Despite its many pre-conditions, consociational democracy has demonstrated relative success in countries such as Switzerland, Austria, and temporarily, Lebanon.⁸ Each of these cases demonstrates how linguistic, religious, or ethnic divisions can be overcome in states where political elites place a value on cohesion and have a history of collaboration in order to

² Lijphart, "Consociational Democracy," 216.

³ Rudy B. Andeweg, 2000, "Consociational Democracy," *Annual Review of Political Science* 3, no. 1: 513.

⁴ *Ibid.*, 522.

⁵ Lijphart, "Consociational Democracy," 217.

⁶ Andeweg, 2000, "Consociational Democracy," 519.

⁷ B.I. Zelenko, "Civil Society," *Value Inquiry Book Series*, vol. 276, 68, August 2014.

⁸ Lijphart, "Consociational Democracy," 216.

achieve political goals.⁹ However, turning to the case of Bosnia-Herzegovina, a review and analysis of the state's history of ethnic violence reveals that the application of Lijphart's consociational model through the Dayton Peace Accords overlooked these requirements in the interest of expediting peace and avoiding geographic separation. This decision has unfortunately had enduring consequences for both the people of Bosnia-Herzegovina and the functionality of the state's government.

History of Ethnicity and Conflict in Bosnia-Herzegovina

In order to assess the rigid ethnic divisions in Bosnia-Herzegovina and the barriers that they pose to consociationalism, it is necessary to understand the role of ethnicity in the dissolution of Yugoslavia. The former Yugoslavia was not always the ethnically fractured, violent and mobilized region that it became during the mid 1990s. Under the communist rule of President Tito following the conclusion of World War II, Yugoslavia experienced a widespread national effort to construct a cohesive "Yugoslav" identity.¹⁰ This ideology of a unified identity surprisingly took strongest hold in the regions of Bosnia, Croatia, and Vojvodina, where ethnic heterogeneity was greatest, and amassed great popularity between 1961 and 1981 as an increasing number of people began to self-identify as "Yugoslavian."¹¹ However, this trend changed drastically when the Communist Party struggled to maintain its grip in Yugoslavian politics after the death of its infamous leader, President Tito in 1980. After the death of President Tito, secessionist movements were mobilized along ethnic nationalist lines, which eroded any institutions of Yugoslavian identity. The political contention between these groups ultimately led to the fall of the Communist party, the dissolution of Yugoslavia, and violent, prolonged ethnic conflicts that plagued several newly independent states, including Bosnia-Herzegovina.¹²

Bosnia-Herzegovina declared independence on October 15th of 1991, however the referendum on independence from Yugoslavia did not take place until March 1992.¹³ Almost instantly after declaring independence, civil war erupted in Bosnia-Herzegovina between the Serbians who opposed the formation of the new state, wanting to remain a part of a Serbian dominated Yugoslavia, and pro-independence Bosniak Muslims.¹⁴ Violent conflict also broke out between Bosniak and Croatian factions within Bosnia-Herzegovina, as the Croatians aspired to separate from the new state of Bosnia-Herzegovina and accede to the newly independent state of Croatia, while Bosniak Muslims tried to keep the factions within Bosnia-Herzegovina together.¹⁵

The civil war in Bosnia-Herzegovina was characterized by war crimes and acts of ethnic cleansing that took place in key cities and municipalities within the state. The use of ethnic cleansing as a method of warfare in Bosnia-Herzegovina was first employed by the Serbian armed forces, which would capture considerable amounts of territory and proceed to execute, detain and forcibly displace Bosniaks and Croatians from their homes.¹⁶ At one point during the civil war, Serbian armed forces were estimated to control approximately

⁹ Gerhard Lehmbuch, "A Non-Competitive Pattern of Conflict Management in Liberal Democracies: The Case of Switzerland, Austria, and Lebanon," *International Political Science Association* (1967): 5.

¹⁰ Robert M. Kunovich, and Randy Hodson, 2002, "Ethnic Diversity, Segregation, and Inequality: A Structural Model of Ethnic Prejudice in Bosnia and Croatia," *The Sociological Quarterly* 43, no. 2: 203.

¹¹ *Ibid.*

¹² Sonia Lucarelli, 2000, *Europe and the Breakup of Yugoslavia*, (Netherlands: Martinus Nijhoff Publishers), 16.

¹³ *Ibid.*, 25-30.

¹⁴ *Ibid.*, 30.

¹⁵ Lucarelli, *Europe and the Breakup of Yugoslavia*, 38.

¹⁶ *Ibid.*, 54.

70% of the territory of Bosnia-Herzegovina.¹⁷ Such atrocities however, were not exclusively committed by the Serbians, and at the end of the civil war, all three ethnic groups had used concentration camps and methods of ethnic cleansing to maintain the integrity of ethnically homogenous regions in Bosnia-Herzegovina.¹⁸ The Bosnian Civil War resulted in an estimated 100,000 deaths and created Europe's worst refugee crisis since World War II, producing approximately 1.3 million refugees and an additional 1 million internally displaced persons.¹⁹

While international peacekeeping efforts were deployed by the United Nations in Bosnia-Herzegovina during the civil war, these forces were unable to protect civilians and resolve conflict amidst the violent and chaotic ethnic war. The turning point of the civil war in Bosnia-Herzegovina was the Srebrenica massacre, which saw the murder of approximately 8,000 Bosniak Muslims by the Serbian army.²⁰ At the time of the Srebrenica massacre, the city was a designated "safe zone" by the United Nations, an area that was reinforced by peacekeeping troops and used to provide humanitarian aid and protection to thousands of Bosniak Muslims during the war, however the Serbian army did not give credence to this designation.²¹ The genocide in Srebrenica triggered leaders in the United States and Europe to call a conference and meet with representatives of the Bosniak Muslim, Serbian, and Croatian groups in Bosnia-Herzegovina to negotiate a peace agreement that would end the devastating ethnic conflict.²² The result of this conference was the Dayton Peace Accords.

The Dayton Peace Accords and Consociationalism

Ultimately, the brutal civil war was ended with the intervention of international representatives and the signing of the Dayton Peace Accords in 1995, which effectively ended the prolonged ethnic violence in Bosnia-Herzegovina and split the state into two semi-autonomous regions, The Republika Srpska and The Federation of Bosnia and Herzegovina.²³ Geographically, the regions were created primarily according to the ethnicity of their constituents, with the Republika Srpska containing a population comprised almost entirely of Serbians and The Federation of Bosnia and Herzegovina containing a population dominated by Bosniak Muslims and Croats.²⁴ The regional governments of these areas were given significant amounts of autonomy by the Dayton Peace Accords, such as control over taxation, education policy, and many elements of foreign policy.²⁵

The main objective of the Dayton Peace Accords was to stop the violent conflict between the three ethnic factions in Bosnia-Herzegovina and promote an enduring peace. To achieve these goals, the international actors sought to establish a functioning democracy in Bosnia-Herzegovina that would fairly accommodate its distinct ethnic groups by granting proportional representation in government.²⁶ Thus, representatives from the United States,

¹⁷ Ibid.

¹⁸ Ibid., 33.

¹⁹ Megan Bradley, *Refugee Repatriation: Justice, Responsibility and Redress*, (Cambridge: Cambridge University Press, 2013), 123.

²⁰ Kyle Rapp, 2015, "Protection from Tragedy: Developing Effective and Legitimate Safe Zones after the Tragedy of Srebrenica," *International Social Science Review* 91, no. 2: 1.

²¹ Ibid.

²² Joanne McEvoy, 2014, *Power Sharing Executives: Bosnia, Macedonia, and Northern Ireland*, (Pennsylvania: University of Pennsylvania Press), 108.

²³ Patrice C. McMahon, and Jon Western, 2009, "The Death of Dayton: How to Stop Bosnia From Falling Apart," *Foreign Affairs* 88, no. 5: 69.

²⁴ Ibid.

²⁵ Ibid.

²⁶ McEvoy, *Power Sharing Executives: Bosnia, Macedonia, and Northern Ireland*, 108.

France, Germany, Russia, and the United Kingdom installed a form of government derivative from the ideals of consociational democracy envisioned by political scientist Arend Lijphart. The Dayton Peace Accords were successful in ending the brutal ethnic conflict in Bosnia-Herzegovina by creating a government apparatus that depended on the principle of power sharing.²⁷ However, the relationships between ethnic factions in Bosnia-Herzegovina had suffered irreparable damage during the civil war, and the state did not have several essential foundations that a successful consociational system requires.²⁸

The element of Lijphart's consociational democracy that made it appear most applicable to the case of Bosnia-Herzegovina was its design to maximize the amount of power sharing between diverse groups within a state.²⁹ The Constitution of Bosnia-Herzegovina embedded this feature of consociational democracy in Annex Four of the Dayton Peace Accords by creating a three-member presidency, comprised of one national leader from each ethnic group. Furthermore, each leader was designated veto power, which they may use to block any policies that they deem are threatening to the interests of their group.³⁰ A unique feature of Bosnia-Herzegovina's consociational democracy is extreme levels of decentralization between national and regional governments, where regional governments organized along ethnic lines have the ability to make relatively autonomous decisions about a broad range of domestic and foreign policy objectives.³¹ This power-sharing structure of government and decentralization of power ensures that no single ethnic group will ever amass enough power to single-handedly control the distribution of political goods and resources. In Lijphart's model of consociationalism, these systems and institutions are intended to encourage moderation and compromise between diverse groups within the government.

While the representatives that constructed the Dayton Peace Accords were well intentioned in their application of Lijphart's consociational democracy to the state of Bosnia-Herzegovina to encourage cooperation and multiethnic collaboration, these outcomes were not achieved. By reflecting on the history of ethnic conflict in Bosnia-Herzegovina and the factors that Lijphart identified as pre-requisites for a successful consociational system, such as the existence of an external threat, a tradition of elite accommodation, overarching loyalties to the state, and geographical concentration of ethnic groups, it is clear that many of these pre-conditions were absent in the case of Bosnia-Herzegovina.³² First, during the state-building period in the aftermath of the civil war, Bosnia-Herzegovina faced no external threats that acted as a binding force on diverse ethnic factions. Rather, its history proved that the most credible threat facing the state originated internally, from the separatist movements of Serbian and Croatian groups. Second, there was no tradition of elite accommodation and cooperation in Bosnia-Herzegovina, largely due to the fact that the state had never truly operated autonomously prior to the civil war.³³ In addition, the civil war in Bosnia-Herzegovina was the result of secessionist movements, further highlighting the lack of potential for cooperation between political elites, defined by Lijphart as a "self-conscious union of the oppositions".³⁴ Third, the most salient prerequisite for success is the existence of committed, overarching loyalties to the state; however, the history of mass violence and conflict between Bosniaks, Serbians, and Croats has led to an extreme prioritization of

²⁷ Ibid., 107.

²⁸ McMahan and Western, "The Death of Dayton: How to Stop Bosnia From Falling Apart," 69.

²⁹ Lijphart, "Consociational Democracy," 211.

³⁰ Organization for Security and Co-operation in Europe, "The General Framework Agreement for Peace in Bosnia and Herzegovina," 23, accessed October 10, 2017, <http://www.osce.org/bih/126173?download=true>.

³¹ McMahan and Western, "The Death of Dayton: How to Stop Bosnia From Falling Apart," 73.

³² Andeweg, 2000, "Consociational Democracy," 522.

³³ Lucarelli, *Europe and the Breakup of Yugoslavia*, 30-38.

³⁴ Lijphart, "Consociational Democracy," 212.

ethnic identity over national identity within Bosnia-Herzegovina. Ultimately, the history of separatist sentiments among ethnic factions of Bosnia-Herzegovina and the absence of civil society created conditions within the state that were hostile to the adoption of consociationalism.

The government installed by the Dayton Peace Accords failed to recognize the extreme lack of civil society and state loyalty in Bosnia-Herzegovina and the degree to which these factors would undermine the success of a consociational democracy. However, one of Lijphart's pre-requisites for a functioning consociational state, the geographic concentration of ethnic factions, was created by the Dayton Peace Accords through the division of the state into the semi-autonomous regions of Republika Srpska and the Bosnian Federation. However, this division, while typically viewed as conducive to consociationalism, was one of the most detrimental features of the Dayton Peace Accords, as it prioritized keeping the state of Bosnia-Herzegovina together at the expense of political functionality. By dividing the state into Republika Srpska and the Bosnian Federation, the framers of the Dayton Peace Accords essentially facilitated de facto ethnic segregation, while forcing multiple secessionist groups to operate under one national government. This geographical division and ethnic separation is the root of the social, cultural, economic, and political issues that have crippled post-war Bosnia-Herzegovina, and are the cause of the country's prolonged economic strife and political stagnation. Although the 2013 national census estimated the ethnic composition of Bosnia-Herzegovina to be approximately 50 percent Bosniak, 31 percent Serbian, and 15 percent Croatian, the ethnic composition of the state's two main geographical entities is strikingly different.³⁵ Approximately 92 percent of all Serbians reside within in the Republika Srpska, while the Bosnian Federation is home to 91 and 88 percent of the nation's Croatians and Bosniaks, respectively.³⁶ Thus, although the Dayton Peace Accords aimed at creating a unified state, they also served to reinforce the ethnic segregation that resulted from practices of ethnic cleansing during the civil war.³⁷

Current Interethnic Relationships and Governance in Bosnia-Herzegovina

Today, Bosnia-Herzegovina remains deeply ethnically divided, as citizens prioritize their nationality and ethnicity over their citizenship to the state in the formation of their identity.³⁸ This level of ethnic division is discernable by the geographical segregation of the state and social relationships between ethnic communities, and is a major factor in the state's political events. Unfortunately, the economy, political culture, and civil society in Bosnia-Herzegovina has suffered immensely due to the disunity between the Bosniak Muslim, Serbian, and Croatian populations within the state. The stalemate that these relationships have caused in the national government has prevented the state from advancing economically, impeded the state's application for membership to the European Union, and spurred domestic policies that fail to promote civil society and counteract the development a unified identity under the state.

One glaring example of policy that prevents the cultivation of civil society across ethnic cleavages in Bosnia-Herzegovina is the failure of any of the state's political leaders to

³⁵ Morgan Oddie, 2012, "The Relationship of Religion and Ethnic Nationalism in Bosnia Herzegovina," *Religion In Eastern Europe* 32, no. 1: 35.

³⁶ Agency for Statistics of Bosnia and Herzegovina, "Census of Population, Households and Dwellings in Bosnia and Herzegovina, 2013 Final Results," 54, June 2016, Accessed October 10, 2017, http://www.popis.gov.ba/popis2013/doc/RezultatiPopisa_BS.pdf.

³⁷ Bradley, *Refugee Repatriation: Justice, Responsibility and Redress*, 125.

³⁸ William Hunt, Ferida Durokovic and Zvonimir Radeljko, 2013, "Bosnia Today: Despair, Hope, and History," *Dissent* 60, no. 3: 26.

reform the structural segregation of students in elementary schools that is residual from the Communist era of former Yugoslavia.³⁹ These policies include the “two schools under one roof” system, which requires that students be separated along ethnic lines to study subjects that relate to nationality, such as language, history, literature, and geography.⁴⁰ In addition, the regional autonomy that the Bosnian Federation and the Republika Srpska possess over education systems has exacerbated the already divisive nature of the education system in Bosnia-Herzegovina, by creating divergent and biased school curriculums that promote enemy images and stereotypes of out-group ethnicities among the younger generation.⁴¹ Scholars argue that the separation of students to study subjects that deal with national affairs encourages suspicion and prejudice rather than fostering peace, causing ongoing tensions and distrust between ethnic communities in Bosnia-Herzegovina.⁴² Continuing to uphold these practices in the education system prevents any meaningful progress from being made in terms of integration between ethnic factions in Bosnia-Herzegovina and the cultivation of a multiethnic civil society.

At the national government level, the lack of cooperation between Bosniak Muslim, Serbian, and Croatian representatives and the inability of the government to form cohesive monetary and fiscal policies has led to the crippling of Bosnia-Herzegovina’s economy, as was particularly evident during the Global Financial Crisis. In 2009, unemployment in Bosnia-Herzegovina climbed to 27%, while approximately one-quarter of the population lived in poverty.⁴³ Bosnia-Herzegovina’s economy also suffers from a lack of international investment, as investors are often driven away as they are fearful to get involved in a country with such a grossly mismanaged public sector.⁴⁴ Furthermore, public employment and contracts in Bosnia-Herzegovina are typically filled in order to meet ethnic quotas, driving deep networks of political patronage that stifle innovation and give rise to chauvinistic ethnic entrepreneurs.⁴⁵ The state of the country’s failing economy and the government’s inability to take action to help the citizens that were suffering financially were the causes of the riots that took place in Sarajevo in 2014, during which civilians set fire to several government buildings.⁴⁶ Although economic distress can often provide a unifying sentiment across diverse groups, the political leaders take precautions to prevent these connections from developing, so that they may maintain their positions of influence within the corrupt government. Politicians in Bosnia-Herzegovina often use jingoistic rhetoric to conflagrate ethnic tensions and fears prior to elections in an effort to drown out economic concerns and maintain the divisive political status quo.⁴⁷

Furthermore, barriers to ethnic integration in Bosnia-Herzegovina are also reflected in the state’s efforts to accommodate the return, repatriation and redress of refugees and other vulnerable populations who were displaced by the civil war. Dr. Megan Bradley, a prominent scholar in the field of forced migration, has studied extensively the provisions and shortcomings of Bosnia-Herzegovina’s policies for the return of refugees. Bradley notes that

³⁹ Ibid., 25.

⁴⁰ Ibid.

⁴¹ Pilvi Torsti, "Segregated Education and Texts: A Challenge to Peace in Bosnia and Herzegovina," *International Journal on World Peace* 26, no. 2 (2009): 65.

⁴² Ibid., 66.

⁴³ McMahon and Western, "The Death of Dayton: How to Stop Bosnia From Falling Apart," 70.

⁴⁴ Paul Taylor, 2010, "Bosnia's Economic Shackles," *The New York Times*, April 19, accessed October 10, 2017, <http://www.nytimes.com/2010/04/20/business/global/20inside.html>.

⁴⁵ McMahon and Western, "The Death of Dayton: How to Stop Bosnia From Falling Apart," 73.

⁴⁶ Dan Bilefsky, 2014, "Protests Over Government and Economy Roil Bosnia," *The New York Times*, February 7, accessed October 10, 2017, http://www.nytimes.com/2014/02/08/world/europe/protests-over-government-and-economy-roil-bosnia.html?_r=0.

⁴⁷ Taylor, "Bosnia's Economic Shackles," <http://www.nytimes.com/2010/04/20/business/global/20inside.html>.

one of the largest challenges to refugee repatriation in postwar Bosnia-Herzegovina is that 70% of the displaced Bosnian refugees faced circumstances in which they were forced to return to regions that had been ethnically cleansed during the war, with the result that they would now live as an extreme minority.⁴⁸ To facilitate the return of refugees to Bosnia-Herzegovina, the Dayton Peace Accords installed comprehensive provisions for property restitution for returning refugees, hoping that a large-scale return of displaced persons to their pre-war homes would help to diversify ethnically homogenous locales and moderate ethnic nationalism. In addition, the International Criminal Tribunal for the former Yugoslavia serves as a formal channel for providing redress to refugees from the civil war.⁴⁹ However, the returning refugees, particularly in the Republika Srpska, are often subject to acts of violence perpetrated by the Serbian majority that are silently or, in some cases, explicitly sponsored by law enforcement officials. Moreover, refugees have faced institutionalized bureaucratic and socioeconomic discrimination, living as minority populations in regions characterized by a history of ethnic nationalism.⁵⁰ Bradley argues that despite the intentions of the international community and the Dayton Peace Accords to facilitate the repatriation and redress of refugees in Bosnia-Herzegovina, the policies have had limited success.⁵¹ The pervasive social rifts between ethnic groups in the state have prevented the successful reintegration of refugees and displaced persons, signaling yet another instance of Bosnia-Herzegovina's inability to form channels for societal cohesion and cooperation across ethnic divisions.

Finally, as European Union membership has expanded to the east, the European Commission has been working with Bosnia-Herzegovina as a potential candidate for future membership.⁵² However, the ethnic nationalist values of leaders in Bosnia-Herzegovina have negatively impacted the state's candidacy for accession to the European Union. One of the first steps in gaining consideration for membership to the European Union is meeting a Stabilization and Association Agreement. However, the European Commission required that Bosnia-Herzegovina make several structural reforms before proceeding with the agreement, including a more centralized national government with control over a unified police force.⁵³ Serbian President Milorad Dodik consistently used his veto power, allocated to him by the Dayton Peace Accords, to block these reforms, claiming that they would jeopardize the Serbians' right to regional autonomy within the Republika Srpska.⁵⁴ Although the reform requirements from the European Union were eventually reduced and agreed on by all parties, it was not without considerable amounts of steadfast obstructionism in the defense of ethnic nationalism from the Serbian leaders of the Republika Srpska. Bosnia-Herzegovina's progression towards European Union membership has thus been limited due to the country's ethnically polarized nationalist agendas pushed by Bosniak Muslim, Serbian and Croatian leaders, which have raised concerns about the viability of the state's potential for future accession.

Pervasive Nature of Secessionism

In the two decades that have passed since the conclusion of the civil war, interethnic relationships remain tense and civil society weak. In fact, a large portion of the population of Bosnia-Herzegovina continues to express a preference for secession or separation. One

⁴⁸ Bradley, *Refugee Repatriation: Justice, Responsibility and Redress*, 125.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*, 130.

⁵¹ *Ibid.*, 131.

⁵² McMahan and Western, "The Death of Dayton: How to Stop Bosnia From Falling Apart," 78.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

particular study published by the *Journal of Ethnic and Racial Studies* found that of 2,000 subjects surveyed across ethnic divisions in Bosnia-Herzegovina, 50% felt as though inter-group relationships would improve if the country separated along ethnic lines.⁵⁵ This sentiment was most strongly expressed by Croatian and Serbian respondents, but it also received moderate support from Bosniak Muslims.⁵⁶

Within the Republika Srpska region of Bosnia-Herzegovina, these separatist sentiments have come to the forefront of regional political discourse and rhetoric by the Serbian charismatic leader and suspected ethnic entrepreneur, President Milorad Dodik.⁵⁷ One of Dodik's primary political objectives during his time in office has been to encourage the Republika Srpska to hold its own referendums on the territory's government in order to demonstrate the weakness of the central government of Bosnia-Herzegovina and potentially pave the way for a referendum on secession from the state.⁵⁸ Unfortunately, the disunity amongst Bosniak Muslims, Serbians, and Croats has taken what was intended to be a peaceful power-sharing method of government to the brink of political paralysis and has bolstered isolationism and secessionism within the state.

Attempts at Reform

The attempts at reform to overcome the paralysis that consociationalism has imposed on Bosnia-Herzegovina have been minimal. Nearly every proposed resolution or amendment has failed. In addition, almost all have been pursued exclusively by agencies other than the government of Bosnia-Herzegovina, signaling the unwillingness of government actors and political officials to come together to create meaningful reform. Arguably the most prominent figure that has tried to manage the nation's political challenges is the High Representative. The High Representative is a position filled by an international political official that oversees civilian issues and ensures the correct implementation of the Dayton Peace Accords and consociationalism in Bosnia.⁵⁹ Among other powers and responsibilities, the High Representative, in conjunction with his office, is permitted to impose political decisions on the state when the government seems incapable of coming to an agreement. In 2007, the High Representative at the time, Miroslav Lajčák, used this power to impose some of the few successful changes to the political landscape in Bosnia-Herzegovina. The most significant change that he made was in relation to the parliament's decision-making process. Lajčák imposed a new rule that changed the number of representatives required to be present in order for the government to take decisions.⁶⁰ This minimized the use of chronic absenteeism used by Ministers to block parliamentary decisions. However, this decision does little to address the inherent flaws of consociational democracy in Bosnia-Herzegovina. Imposing legislation and amendments to procedural issues, such as attendance and vote counts, does not fix the underlying culture of disunity and distrust between ethnic factions in Bosnia-Herzegovina that prevents the development of overarching loyalty to the state, a essential pre-requisite for successful consociationalism.

⁵⁵ John O'Loughlin, and Gerard Toal, 2008, "Accounting for separatist sentiment in Bosnia-Herzegovina and the North Caucasus of Russia: a Comparative Analysis of Survey Responses," *Ethnic & Racial Studies* 32, no. 4: 591.

⁵⁶ *Ibid.*, 601.

⁵⁷ Gerard Toal, 2013, "Republika Srpska will have a referendum": the rhetorical politics of Milorad Dodik," *Nationalities Papers* 41, no. 1: 166.

⁵⁸ *Ibid.*

⁵⁹ Office of the High Representative, "OHR Introduction," OHR, 2012, accessed October 10, 2017, http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38519

⁶⁰ Office of the High Representative, "Explanatory Note on the High Representative's Decision on October 19th," October 24, 2007, accessed October 10, 2017, <http://www.ohr.int/?p=38322>.

One unsuccessful attempt to confront the issues facing Bosnia-Herzegovina's government was the failure of the parliament to adopt the recommendations that were provided in the ruling of the controversial Sejdic-Finci case in December 2009. This case dealt with the institutionalized discrimination against any ethnic group that was not Serbian, Muslim or Croatian. In this case, two men named Dervo Sejdic and Jakob Finci applied to the European Court of Human Rights with complaints that the Constitution of Bosnia-Herzegovina, which was set forth by the Dayton Peace Accords, was discriminatory.⁶¹ The Constitution states that positions in The House of Peoples of Parliamentary Assembly as well as campaigns for the Presidency are open only to people of Muslim, Serbian or Croatian ethnicity.⁶² However, Mr. Sejdic and Mr. Finci are of Roma and Jewish ethnicity respectively. This meant that despite the fact that the two men have prominent roles in the community, an active public life, and grounds to run for office, they are unable to because of their ethnic identity. In this case, the Court ruled that the Constitution did exhibit discrimination towards minority ethnicities in this context, and awarded compensation to both applicants.⁶³ After this judgment, the European Commission and much of the international community urged Bosnia-Herzegovina to pursue the necessary constitutional amendments that would be needed to end this discrimination, however the government has not made any such reforms.⁶⁴ Although this example does not necessarily exemplify the conflict between Muslims, Serbs, and Croats, it illustrates the incapability of Bosnia's government to make necessary positive changes to government institutions and structure. Furthermore, the Sejdic-Finci case demonstrates the rigid ethnic boundaries imposed by the Dayton Peace Accords and the overwhelming apathy amongst government officials to break down these institutionalized divisions.

Finally, one of the most significant failed attempts to tackle the glaring parliamentary inefficiency that has resulted from the implementation of consociationalism in Bosnia-Herzegovina was the effort to amend the constitution in 2005 and 2006, through the so called April Amendments.⁶⁵ These proposed reforms were the result of long deliberations between the Bosnian government and the international community. The main objective of the constitutional changes was to rectify some of the issues that the Dayton Peace Accords brought to the country. The representatives that constructed the Accords enshrined the consociational principle of power-sharing ethnic groups in government in order to guard against the exploitation of any single ethnic group by another.⁶⁶ As a result, the Dayton Peace Accords placed a high value on local and regional governance and the consociational ideal of regional autonomy. However, these government structures led to an essentially superficial national government, with insufficient power to form cohesive policies in the areas of defense, taxation, education, and law enforcement. With no unified body presiding over these issues, they were largely under the control of the local governments, which resulted in an

⁶¹ Council of Europe Office in Belgrade, "Sejdic and Finci v. Bosnia and Herzegovina", Council of Europe Office in Belgrade 2007, http://www.coe.org.rs/eng/news_sr_eng/?conid=1545 (accessed April 20, 2015).

⁶² European Court of Human Rights, "Case of Sejdic and Finci v. Bosnia and Herzegovina," December 22, 2009, accessed October 10, 2017, http://eudo-citizenship.eu/caselawDB/docs/ECHR_Sejdic_and_Finci_v._Bosnia.pdf.

⁶³ Ibid.

⁶⁴ Stefan Fule, "Deep disappointment on Sejdic-Finci Implementation," European Commission Press Release Database, February 18, 2014, accessed October 10, 2017, http://europa.eu/rapid/press-release_MEMO-14-117_en.htm.

⁶⁵ Sofia Sebastian, "'Leaving Dayton Behind: Constitutional Reform in Bosnia and Herzegovina'" FRIDE 2007, accessed October 10, 2017, http://fride.org/download/WP46_Dayton_Bosnia_Herzegovina_EN_nov07.pdf.

⁶⁶ Robert M. Hayden and Bruce Hitchner, "Constitution Drafting in Bosnia and Herzegovina," Wilson Centre 2006, accessed October 10, 2017, <http://www.wilsoncenter.org/publication/323-constitution-drafting-bosnia-and-herzegovina>.

increasingly fragmented political landscape due to the concentration of ethnic groups within specific locales. However, the negotiations to resolve these faults, and shift more responsibility and authority to the national government failed in April 2006, when proposed amendments did not meet the requirement of a two-thirds majority in the House of Representatives in order to be passed.⁶⁷ Not only did the parties representing the Croatian, Muslim, and Serbian communities disagree about the proposed amendments, but they also caused considerable tension within the ethnic parties themselves. Since the failure of the April Amendments in 2006, the international community has strongly recommended that the political leaders of Bosnia-Herzegovina engage in internal structural and constitutional reform. However, domestic discussions on the matter have ceased to exist.⁶⁸

Conclusion: Moving Forward

The current political environment in Bosnia-Herzegovina is unsustainable and unhealthy. The state's consociational democracy, in conjunction with the immiscible relationships between the Bosniak Muslims, Serbians and Croats in Bosnia-Herzegovina in the state have led to political stalemate, economic stagnation, social stratification, and geographical segregation. Today, Bosnia-Herzegovina exists in a delicate balance of shared political power at the national level, combined with complex regional power distributions and ethnic divisions that are reinforced by the state's constitutional document, the Dayton Peace Accords. The political culture in Bosnia-Herzegovina continues to be fueled by ethnic nationalism, with high levels of disunity and obstructionism in government, making it a hostile environment to the ideals of consociational democracy, which requires overarching loyalties to the state. As ethnic divisions continue to stunt the domestic, international, and economic growth of Bosnia-Herzegovina, it is becoming increasingly evident that the political structure must undergo significant reform in order to accommodate for the level of ingrained ethnic polarization in the state.

However, the previous attempts to reform the political institutions and structure in Bosnia-Herzegovina have been largely unsuccessful, and have not addressed the underlying issues of distrust and disunity between Serbian, Muslim, and Croatian political elites that ultimately have prevented the development of cross-cutting state loyalties and resulted in the failure of consociationalism. While the High Representative in Bosnia-Herzegovina may have the power to impose changes to procedural government operations, they are powerless in addressing the inherent cultural issues that underlie government structures in Bosnia-Herzegovina, as meaningful changes to this effect must come from the people and government officials themselves. However, the history of ethnic violence and genocide between Serbians, Croats, and Muslims in Bosnia makes it realistically impossible for these three groups to ever come together to work towards creating a functioning power-sharing government, like the one intended by the Dayton Peace Accords. Ultimately, the history between these three groups and the lack of trust, interaction, and cooperation between them has prevented the formation of overarching state loyalties and resulted in the failure of consociationalism within the state of Bosnia-Herzegovina since its implementation two decades ago.

If the people of Bosnia-Herzegovina are to achieve social and economic development in the future, the state must be partitioned along the division implemented by the Dayton Peace Accords, and divided into two sovereign entities. The current rule of a single power-

⁶⁷ Sebastian, "Leaving Dayton Behind: Constitutional Reform in Bosnia and Herzegovina," http://fride.org/download/WP46_Dayton_Bosnia_Herzegovina_EN_nov07.pdf.

⁶⁸ Sebastian, "Leaving Dayton Behind: Constitutional Reform in Bosnia and Herzegovina," http://fride.org/download/WP46_Dayton_Bosnia_Herzegovina_EN_nov07.pdf.

sharing government over two semi-autonomous regions is ineffective, due to the high degree of ethnic homogeneity in the two regions that resulted from ethnic cleansing during the civil war. Dividing the Republika Srpska and the Bosnian Federation into two separate states will appease the nationalist secessionist sentiments proclaimed by the Serbian dominated Republika Srpska and will allow the Bosnian Federation to have a much more realistic chance for democratic governance. Although the Bosnian Federation is home to significant populations of both Bosniaks and Croatians, the region would be much more likely to be successful at forming a cohesive democratic government than the state of Bosnia-Herzegovina, due to the political history that these groups have shared while living under the Dayton Peace Accords. The electoral processes outlined in Article IV of the Constitution of Bosnia-Herzegovina allow for only Serbian representatives to be elected from the Republika Srpska, however require a balance of both Bosniak and Croatian representatives from the Bosnian Federation.⁶⁹ As a result, the Croatian and Bosniak ethnic groups in the Bosnian Federation have developed a history of elite cooperation; one of Lijphart's prerequisites for functioning democracy in ethnically divided states.⁷⁰ This norm of political cooperation in The Bosnian Federation is a foundation for political and social relationships that could transcend ethnic cleavages and lead to form a cohesive government if the region were to be partitioned from the Republika Srpska.

In conclusion, the Dayton Peace Accords imposed a structurally ineffective form of consociational democracy in Bosnia-Herzegovina. Although the Dayton Peace Accords implemented the geographical divide in the state as a means to maintain peace, it has in fact legitimized the regions of ethnic homogeneity that are the result of ethnic cleansing during the civil war. In addition, because the Dayton Peace Accords allowed for the Republika Srpska and the Bosnian Federation to hold some autonomous power, ethnic nationalism and secessionist politics have been normalized and legitimized within the state. While there have been multiple proposals for government reform, the adversarial nature of ethnic politics in Bosnia-Herzegovina is so pervasive that each attempt has failed to resolve any of the societal and institutional issues that reinforce ethnic immiscibility in society and government. As a result, Bosnia-Herzegovina has reached a point of total stagnation, with the only option for future development being a radical restructuring of the state into two sovereign entities. Bosnia-Herzegovina serves as a costly example that civil society and prospects for social and cultural cohesion should not be undervalued in peace agreements and the development of democratic societies.

⁶⁹ Organization for Security and Co-operation in Europe, "The General Framework Agreement for Peace in Bosnia and Herzegovina," accessed October 10, 2017, <http://www.osce.org/bih/126173?download=true>.

⁷⁰ Andeweg, 2000, "Consociational Democracy," 522.

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