

The Bosnian Peace Process: The Power-Sharing Approach Revisited

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Abstract: This article argues that the post-Dayton political organisation of Bosnia represents an exemplary illustration of the difficulties associated with the empirical application of the pluralist model of “consociational democracy”. The country’s political system has been predicated on the existence of consensus and the spirit of cooperation among the three ethnic groups without, however, offering any electoral or political incentives to their leaderships to cooperate. Also, the inclusion of several elements to the Dayton accords of a partition approach to conflict resolution has even encouraged the ethnic leaderships to maintain their nationalistic programs and their endeavours to exploit the aforementioned power-sharing arrangements. Indeed, the structural deficiencies of the Dayton agreement have permitted nationalists to continue implementing their ethnic agendas and have accounted for the slow progress towards the implementation of the Bosnian peace process. Therefore, this article elaborates on the international policies in Bosnia, aimed at transforming the country into a viable multiethnic state, and highlights the significance of motivations for implementing the peace process.

Key words: Bosnia, Dayton, consociational democracy, nationalists

Eleven years after the end of the civil war, ethnic tension in Bosnia is still as high as ever. All sides openly challenge the country’s political system that was determined by the Dayton accords. While the Bosniaks (and many Croats) press for the abolishment of Entities and the strengthening of central institutions, Serb nationalists demand their secession using Montenegro’s independence as an example. Even the international community itself has viewed the Dayton framework as unfeasible and has attempted to improve it through its silent transformation into an on ongoing, partially modifiable process (“Dayton as a process” approach).

In terms of conflict resolution theory, the political organisation of Bosnia according to Dayton represents an empirical application of the pluralist model of “consociational democracy”. This model was developed by Arend Lijphart in the late 1960s. It means “government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy” (Lijphart, 1969: 216). It deals with stabilising an ethnically divided society through the agreement of leaders from different ethnic groups to jointly rule the common polity and take decisions by consensus (Lijphart, 1975: 99). It is built on the notion of “power-sharing” among different ethnic groups and on the following four principles: a grand governing coalition, proportional representation, mutual right to veto and

ethnic autonomy (Lijphart, 1979: 500–502). Lijphart has pronounced the “favourable conditions” for the success of consociational democracies on several occasions. According to Bogaards (1998: 475–496), the gradual change in number and content of Lijphart’s list of prescribed conditions indicates an absence of theoretical coherence in this part of his work. Nonetheless, Lijphart (2000: 425) counteracts this argument by stating that he has worked for more than 30 years on the subject of consociational democracy and that “many seemingly contradictory statements are not true contradictions but attempts to improve and refine earlier formulations”.

Political realists and integrationists alike have fiercely criticised the consociational paradigm. Political realists argue that power-sharing arrangements will eventually lead to renewed hostilities among adversaries due to the exacerbation of the security dilemma (Kaufmann, 1998: 122–123). On the other hand, the integrationists (*inter alia*) contend that the consociational model entrenches ethnic divisions and does not provide motivations for inter-ethnic cooperation (McGarry & O’Leary, 2006: 276; Spears, 2000: 108–112). For other analysts, the success of consociational democracies depends on the critical role of conflict group leaders (Nordlinger, 1972: 40), while the preservation of peace requires the existence of some sort of convergence of expectations among them (Wagner, 1993: 259). Whereas a fraction of political realists promote partition as the most adequate policy choice for the settlement of ethnic civil wars (Kaufmann, 1996: 136–175), integrationists argue for the effectiveness of territorial (e.g., federalism and regional autonomy) and electoral incentives (Horowitz, 1985).

Lijphart (2004: 98) has refuted most criticism regarding consociational democracy by remarking that very few of his critics have provided a serious alternative to the power-sharing model. More importantly, other models for organising ethnically divided societies offer even fewer empirical applications. For instance, the Horowitz-inspired “alternative vote” system was only partially tested in the short-lived Fijian constitutional system, which was adopted in 1999 and collapsed in 2000. Furthermore, several cases – such as Belgium, Northern Ireland and Czechoslovakia – demonstrated that power-sharing arrangements are not a “one-size-fits-all” model. In these cases, the function of every institution differs to a greater or smaller extent. Thus, constitution writers could play a crucial role in the success or failure of a consociational democracy (Lijphart, 2004: 99). Therefore, that the power-sharing model has been selected in a case is as important as the way the model has been put into practice.

In Bosnia’s case, it is conventional wisdom that the local power-sharing arrangements have failed to work. The country’s political system has been predicated on the existence of consensus and the spirit of cooperation among the three ethnic groups without, however, offering any incentives to their leaderships. Not only is the Dayton framework a power-sharing arrangement, in which conditions for a workable political system are not in place; it is also a bad implementation of the Lijphart model. This is because the Dayton accords include several elements of a partition approach to conflict resolution that have encouraged the wartime ethnic leaderships to

maintain their nationalistic programs and endeavour to exploit the aforementioned power-sharing arrangements.

The present article highlights the structural deficiencies of the Dayton agreement as well as the nationalists' efforts to exploit these deficiencies in pursuit of their own programs. The first section explores the inconsistencies of the Dayton accords. The second section illustrates how the nationalist parties adjusted their policies to post-war realities. The main argument here is that it was the structural problems of the Dayton Accords that permitted the leaderships of the three communities to keep implementing their agendas, and not the other way around. In other words, the nationalists could not discredit the Accords on their own if the latter had been consistent and workable to begin with. This fact has been increasingly acknowledged by Serbs and certain Croat nationalists that have turned into "defenders" of the Dayton framework providing Entities and cantons with certain state-like prerogatives. Lastly, the third section discusses the attempts of the international community to make the Dayton framework function, and it measures these policies against the demand for reconsidering the peace agreement. Overall, this article highlights the importance of incentives and convergent expectations for the functioning of power-sharing institutions.

THE DAYTON PARADOX

Territorially, the Dayton Accords attempted to bridge the divergent interests of the three ethnic communities, with realities on the ground and the principle of the "Contact Group plan" for the 51–49 percent division of the country between the Croats and the Muslims,² on the one hand, and the Serbs, on the other. Politically, the agreement endeavoured to reconcile Serbian and Croatian demands for Bosnia's partition along ethnic lines, with the Bosnian Muslim demand for the preservation of Bosnia's integrity and the restoration of its ethnic balance. Eventually, the Accords were filled with elements of both approaches for settlement, i.e., partition and reintegration. The product of the negotiations was a delicate compromise and a tentative step between these two opposite approaches to conflict resolution.

Whereas the Dayton agreement affirmed Bosnia's unity, it also foresaw the country's division into two legal Entities, the Croat-Muslim Federation (Federation) and Republika Srpska (RS). Bosnia's state level institutions maintained authority over foreign policy, foreign trade, customs, monetary policy and inter-entity communication, transportation and law enforcement (Annex 4, Article 3.1), but all other government functions and powers were internally relegated to the two Entities (Annex 4, Article 3.3). Indeed, both Entities were vested with extensive powers to retain their own separate armed forces and the right to develop special parallel relationships with neighbouring states (Annex 4, Article 3.2). Overall, the Entities secured considerable sovereignty rights and independence vis-à-vis the Bosnian state. They were thereby allowed to function as "states within a state".

The Dayton Accords envisaged the establishment of several common, superimposed institutions that would carry out the central government's responsibilities in the domains of its competencies. This included a tripartite

presidency, a council of ministers and a bi-cameral legislature. The political legitimacy of these institutions was based on stated requirements for ethnic proportionality within them, and subsequently, the peace process unintentionally privileged the formation of ethnically orientated parties at the expense of civil or ethnically mixed parties. In addition, the determination of the Entity of origin of the ethnic representatives in the most important of these institutions, namely, the Presidency and the House of Peoples (that is, the upper house of Bosnia's legislature), denoted that the state officials could be selected in each Entity solely from the main ethnic groups. In that sense, as long as the Serb member of the collective presidency was elected in RS and the Croat and Bosniak members were elected in the Federation, candidates for these posts had little incentive to seek the support of voters from other ethnic groups. This arrangement meant that the Serbs of the Federation and the Croats and Muslims of RS were excluded from representation. Above all, granting ethnic communities at both executive and legislative branches the right to veto any decision or law that would conflict with their perceived national interests reinforced the picture of a country segmented into ethnic zones and decisively weakened decision-making power at the state level. Consequently, all aspects of the Bosnian state's operation were constitutionally contingent on the willingness of the three ethnic groups to use their veto right responsibly.

The loose Bosnian confederation was also asymmetric as one of its two Entities, the RS, was centralized while the Federation was highly decentralized. Although the constitutions of the two Entities were not initially included in the Dayton Accords, they became part of the peace settlement nonetheless, since they were amended by the Entity legislatures following the initiation of the peace process.

The Federation has been a wartime marriage of convenience between the Croats and the Muslims aiming at forming an alliance that would go on the offensive against the Serbs. In the Dayton talks, mediators maintained the Federation in the Bosnian state structure, apparently because the territorial division of the country into two entities seemed less complicated than its split into three regions. The Croats, however, feared that they would be overwhelmed if they entered into a joint structure with a larger partner. Hence, the formation of the Federation came at the price of its substantial decentralisation. While it had its own presidency, government and bi-cameral parliament, provisions for ethnic representation of both Croats and Bosniaks compromised the effectiveness of these institutions. Besides, if any ethnic community invoked concern over vital interests, the concurrent majorities of both Bosniak and Croat legislators would have to be mustered in the Federation's House of Peoples so that the relevant law could be adopted. More importantly, the powers of the Federation's institutions were limited because most authorities were relegated to ten cantons – five Bosniak, three Croat and two mixed clusters of municipalities – that were created within the Federation. These cantons assumed responsibility for the domains of education, culture, police, energy, tourism, public services, media and social welfare (Bose, 2002: 78–79). They were also vested with their own constitutions, governments and assemblies. Therefore, the Federation was no

less dysfunctional and vulnerable to paralysis by nationalistic policies than the state in which it was established.

The constitution of Republika Srpska, on the other hand, highlighted the Entity's statehood and centralised character. To illustrate, Article 104 outlined the duty and the right of all citizens to defend the "sovereignty and independence" of the Entity (Bose, 2002: 70).

To conclude, the ambiguity of the Accords was intended to facilitate consensus-building among the warring parties during the negotiations, but in practice, it represented a major obstacle in the peace implementation process. This happened because it was added to the picture of a power-sharing model of governance that was simultaneously severely deficient in incentives for cooperation among the ethnic parties. The next section accordingly turns its attention to the way that the nationalists adjusted their policies to the realities of Dayton.

THE POLICIES OF THE NATIONALISTS

Over the last decade, dozens of parties have emerged in Bosnia – mainly due to the establishment of multiple levels of government and the frequent occurrence of elections – the majority of which have a more or less nationalist agenda. This article focuses on the three main nationalist parties – the Party for Democratic Action (SDA), the Serb Democratic Party (SDS) and the Croat Democratic Union (HDZ) – that have enjoyed the support of their respective ethnic communities since 1990. For it was these parties that led their ethnic constituencies into war, orchestrated their national war strategies, come first among their co-nationals in every electoral process until 2006 – with the notable exception of the SDA in the 2000 state elections – and exercised power in the greatest part of the post-Dayton period.

The SDA

The SDA was founded on 27 March 1990 by a group of Muslim leaders headed by Alija Izetbegović. In the past, Izetbegović had steered much controversy with the publication of his "Islamic Declaration", an analysis of Islamic society and Islamic government (Malcolm, 1996: 219–222). Nevertheless, the majority of Bosnian Muslims were particularly apathetic Muslims. They abstained from attending mosques, they celebrated Orthodox and Catholic holidays and they were proponents of a multicultural Bosnia (Vulliamy, 1994: 63–64).

Izetbegović supported the preservation of Socialist Yugoslavia, and when its collapse seemed inevitable, he opted for Bosnia's independence as the best strategy for safeguarding its integrity and multi-ethnicity. Izetbegović's pragmatic policies helped the SDA gather support not only from the international community but also from many Croats and Serbs who were opposed to the division of Bosnia between Belgrade and Zagreb. As a result, although Bosnian Muslims could not beat the Serbs on the battlefield, they did not lose the war. This was due to Izetbegović's success in securing domestic and international support for his policies.

From the Bosnian Muslims' perspective, the Dayton framework was far from satisfactory. They approved the peace settlement because their military

inferiority made it difficult for them to acquire more than 51 percent of the territory (including Sarajevo and Gorazde), which was monitored and protected by a NATO-led force. The agreement also implied lifting the arms embargo against them, accompanied by an American commitment to “train and equip” their armed forces and to offer substantial financial assistance to Bosnia, a great part of which would be destined exclusively for them (Sharp, 1997/98: 116). Above all, the Accords’ uncertainty allowed them to believe that they could still pursue their struggle for a unified state by other means than resuming war.

Once overt American support had been secured and a military balance of sorts was established, the Bosnian Muslims were mainly preoccupied with maintaining the territorial and political integrity of the state. The SDA, nevertheless, no longer hid its aspiration to have a Muslim-dominated state. Several Bosnian Muslim officials appealed openly for a more Islamic society – i.e., for a ban on alcohol, pork and short skirts and a change of the street signs’ colors to Islamic green – and the SDA removed all Croat and Serb officers from the commands of six of the seven corps of the Army of Bosnia and Herzegovina (ABH) (Bugajski et al., 1996: 70). Considering that most of the Bosnian Muslims were proponents of a secular society, the rise of this type of “Bosniak” nationalism threatened the very people it claimed to protect. It also restricted the support of moderate Bosnian Croats and Serbs for the SDA’s struggle for a united Bosnia.

The SDA was also reluctant to comply with Dayton’s provision for removal of all foreign forces and their equipment from the country. During the civil war, the Bosnian Muslims benefited from the assistance of some 3,000 volunteers who had come from Islamic countries to fight in ABH. Once the war was over, the Islamic fighters were given Bosnian citizenship and passports and were allowed to occupy the vacant properties of Croat and Serb displaced persons (ICG, 2001b: 10–12). The mujahedeen presence in the country constituted a source of fear and insecurity for Croats and Serbs. It was an obstacle for returning refugees and a source of contention between the SDA and the international community.

The SDA’s effort to defend a unitary Bosnia was also hindered because many Bosnian Muslims interpreted in Dayton’s ambiguity a de facto recognition of the primacy of internal divisions. Bosniak nationalists impeded the return of Croat and Serb refugees to their territories. While the latter could in most cases return safely to the areas that were controlled by the Bosniaks, they were discriminated against in finding employment (ESI, 1999). In that sense, Bosniak nationalism contributed to the country’s fragmentation.

The Bosniak policy for the preservation of the integrity of the state was additionally confronted with the Croats’ disinclination to support Federation structures and powers. In particular, the Bosnian Croats appeared determined to pursue their own state-building project and to preserve their wartime quasi-state “Herceg-Bosna” as a third entity inside Bosnia-Herzegovina. Failure to establish a functioning Federation was best manifested in Mostar. During wartime, the Croat nationalists expelled all non-Croats from the western part of the city, while the Muslim nationalists forced all non-

Bosniaks to depart from eastern Mostar. The Bosnian Croats impeded the plans for the city's reintegration and encouraged the circle of violence to continue unrestrained by the prevalence of general impunity (ICG, 1997). For the SDA, Mostar's case was not only about the implementation of the Federation; it was equally about the survival of the Bosniak people that lived there. The Bosniak part of the city was extensively destroyed by the war and was also dependent on the Croatian part for most public institutions such as hospitals (Gosztonyi, 1996). Additionally, it was squeezed between Serbian and Croatian territories and, thus, it relied on the Croats for access to central Bosnia. Nevertheless, in 2002, the two communities paradoxically adopted each other's position on the status of Mostar. While the HDZ supported the city's reunification, the SDA adopted the Croats' previous position and argued for the preservation of the status-quo. This change of posture reflected the change that had taken place in the ethnic composition of the city. The Croats were subsequently in the majority and the two communities reviewed their security considerations (ICG, 2003b).

The SDA lost its pre-eminence in Bosniak politics as well as its access to power in 2000 amid accusations of corruption and revelations of scandals. In these elections, the SDA came second to the Social Democratic Party (SDP), the largest civic party in the country, which nonetheless owed most of its power to the Bosniak electorate. The SDP managed with the support of the international community to form a governing coalition, the so-called Alliance for Change comprised of 10 parties, and additionally counted on the parliamentary support of several Serb parties in RS. Apparently, the coalition was not based on the genuine convergence of party programs and merely reflected a marriage of convenience for the acquisition of access to power. The allied partners soon highlighted their differences, and the Alliance for Change disintegrated before the 2002 elections (ICG, 2002: 3). In these elections, the SDP became the main recipient of the people's disaffection and suffered a serious defeat, losing half of its seats in the state parliament. The SDA capitalised on the deficiencies of the SDP and, by accusing the SDP of following anti-Bosniak policies, reacquired its central position in Bosniak politics. This time, however, Sulejman Tihić, who in 2000 had replaced the ageing Izetbegović in the party leadership, headed the SDA. Tihić attempted to diminish the party's pro-Islamic orientation and portrayed himself as being in favour of the international policies in Bosnia. Although he favoured the adoption of a new state constitution that would not include any Entities and cantons in the picture (ICG, 2003a: 16–18), Tihić pragmatically settled for a far less ambitious goal and participated in the US-sponsored inter-ethnic constitutional talks of 2005–2006 with the intent to bring about only limited changes to the country's political system. Nevertheless, Tihić's conciliatory stance was not entirely appreciated by the Bosniaks. Haris Silajdžić, leader of the Party for Bosnia and Herzegovina (SBiH) and fervent advocate of the Entities' abolition, rejected the agreed constitutional revisions as "cosmetic" and stepped out of the negotiations. Furthermore, Silajdžić promised that if he was elected into the collective presidency, the RS would cease to exist and, thus, he won (with a landslide) the Bosniak seat in the 2006 elections (Alic, 2006). Therefore, despite the

Bosniak nationalists' struggle for Bosnia's unity, their preference for a radical reorganisation of their country's political structure goes against the international community's gradual approach and plays into the hands of Croat and Serb nationalists who resist the reform process.

The SDS

The SDS was formed on 12 July 1990 under the leadership of Radovan Karadžić. Karadžić stood for the preservation of Socialist Yugoslavia as a single state. When that proved impossible, he supported the efforts of Slobodan Milošević to unite all Serbs into "Greater Serbia". While Bosnia moved towards independence, the SDS prepared for the secession of Bosnian Serbs and their integration into Serbia. The Bosnian Serbs began the civil war and managed, with the assistance of Belgrade, to occupy nearly 70 percent of the country's territory within a few months. Nonetheless, the international community did not wish to acknowledge the results of this aggression; therefore, none of the peace proposals granted the Serbs what they had won on the ground.

The Dayton accords did not fulfil the Bosnian Serbs' expectations. Nevertheless, their consent to the agreement was dictated by these factors:

- i) their desire to secure control on what they still held while the military balance shifted to their disadvantage;
- ii) the fact that the agreement acknowledged the existence of a distinct Bosnian Serb entity;
- iii) their belief that the Dayton agreement's lack of clarity permitted them to pursue, by non-military means, the de facto division of Bosnia; and
- iv) the determination of Milošević – who negotiated on their behalf – to trade a deal on Bosnia in exchange for lifting sanctions against Yugoslavia.

Notwithstanding that Karadžić was forced to resign from the post of RS President, he established around him the so-called "Pale clique" – that is, a small group of fifteen key figures based in Pale – that controlled all aspects of society including the media, the economy, the police and even much of the distribution of humanitarian aid (ICG, 1996). The 'Pale clique' chased after the idea of consolidating the division of Bosnia between the two Entities and turning the provisional "Inter-Entity Boundary Line" (IEBL) into a permanent border. Given the ambiguity of the peace agreement on whether Bosnia should become an ethnically divided or unitary multiethnic state, the Bosnian Serbs complied with all Dayton provisions that encouraged partition (i.e. separation of armed forces, readjustment of IEBL, conclusions of an arms control agreement, and negotiation of confidence- and security-building measures) (McCausland, 1997: 19–20; Schear, 1996: 92) but hindered the implementation of those stipulations that promoted the country's reintegration (i.e. freedom of movement, refugee repatriation, establishment of common institutions and adoption of common legislation) (Steiner, 1997: 35). In that sense, the SDS attempted to complete the homogenisation of the Bosnian Serb population through policies of "majoritisation" such as:

- i) encouraging Bosnian Serb emigration from the Federation and resettlement in vacated Croat and Muslim properties in the RS and in Brčko;

- ii) exercising pressure on the remaining Croats and Muslims to depart from the RS; and
- iii) blocking returns of Croat and Muslim displaced persons and refugees to their previous homes in the Bosnian Serb entity (Schear, 1996: 93–95).

The Entities' access to international assistance was nevertheless conditional upon their compliance with the Dayton provisions. The Bosnian Serbs were precluded not only from the US "train and equip" program but also from virtually all external public economic aid. Whereas the Federation was being reconstructed, the RS's decline continued and the overwhelming majority of Bosnian Serbs remained unemployed and in poverty. Because the SDS maintained tight control over the media and exploited this climate of fear and insecurity, effective opposition to its policies came from inside the party – specifically, from Biljana Plavšić, the person who Karadžić himself had chosen to assume the RS presidency. In June of 1997, Plavšić accused the Pale clique of corruption and argued for cooperation with the international community so that the Bosnian Serb Entity would acquire access to international reconstruction funds (Cirafici, 1999: 80–91). In addition, she claimed that the Dayton agreement preserved RS's autonomy by the provisions that offered the Serbs representation in every joint Bosnian institution. Thus, she suggested that the Bosnian Serbs should wholly endorse its implementation. Plavšić proclaimed early parliamentary elections in the Bosnian Serb Entity and her newly created party, the Serb People's Alliance (SNS), succeeded – with US economic assistance and the manifest intervention of SFOR – in blocking the SDS from again winning a majority of seats in the National Assembly (Chandler, 1999). The international community afterwards did everything in its power to prevent the SDS from reacquiring political power. The SNS and a group of smaller parties were assisted in forming a governing coalition headed by Milorad Dodik, and the embargo on aid to the RS was lifted. When Nikola Poplašen, the joint candidate of the SDS and the Serb Radical Party (SRS), defeated Plavšić in the 1998 Entity presidential elections, the international community assured the survival of the Dodik government. The High Representative (HR) did not hesitate to remove Poplašen from office in March 1999 because the latter wanted to unseat Dodik from the entity's premiership (ICG, 1999). In the aftermath of the 2000 elections, the HR followed a similar line of action. He permitted the participation of the SDS in a governing coalition with the Party for Democratic Progress (PDP) on the condition that the new government would be comprised only of independent experts with no party affiliation. He also demanded that the leadership of the SDS sign a declaration in support of implementing the peace process (Kebo, 2001).

The exclusion of the SDS from the RS government between 1997 and 2002 did not substantively alter the RS approach to the peace process. The SDS was the largest party in the RS parliament and maintained control of the Entity presidency and the majority of its municipalities. Moreover, the SDS was influential inside the ranks of the Orthodox Church, the police, the army and the intelligence service (ICG, 2001a: 12–13). The SDS realised that the international community was committed to making Dayton work and

ultimately adopted a more pragmatic program. It no longer sought to bring about the partition of Bosnia. Instead, it proclaimed itself as being for Bosnia's integrity and the preservation of the status quo that guaranteed the "statist" prerogatives of the RS (ICG, 2003a: 23–24). The Bosnian Serbs continued to resist adopting measures that would strengthen central state institutions, did nothing to facilitate the returns process and offered no assistance to the International Criminal Tribunal for the Former Yugoslavia (ICTY) for the arrest and prosecution of indicted Serbs.

Paddy Ashdown, then Bosnia's HR, decided in June 2004 to do away with Serbian obstructionism by dismissing 61 top Bosnian Serb officials from office, most of whom were SDS members (Gordana, 2004). Dragan Čavić subsequently assumed leadership of the SDS and attempted to follow a more moderate and cooperative policy. He proposed the content of the agreement for the country's police reform, and he endorsed the constitutional amendments that strengthened the state's central institutions. This shift in SDS's policies was not appreciated by all party members. Čavić was particularly criticised for having acknowledged the crimes that were committed by Serb paramilitaries in Srebrenica. The Serb "patriots" were disaffected and found refuge in Dodik – the previous favourite Serb politician of the international community – and his Alliance of Independent Social Democrats (SNSD). SNSD won the Serb race in the 2006 presidential elections with a highly nationalistic campaign for the organisation of a referendum of independence for the RS (Gordana, 2006). What is more, Čavić was subsequently replaced in the SDS leadership by Mladen Bosić, a hardliner who went back on SDS's original consent for constitutional reforms (Mustajbegovic, 2007).

The HDZ

The overwhelming majority of Bosnian Croats have supported the HDZ in every electoral process up until 2006. This party was formed on 18 August 1990 under the leadership of Stjepan Klujčić. While the HDZ was initially a mere "sister party" of the HDZ in Croatia, Franjo Tuđman, Croatia's President at the time, decisively intervened in the Bosnian Croat politics to take the Bosnian party under his control and virtually transform it into a subordinate branch (Stark, 1995: 207). As a result, the Bosnian HDZ adopted Tuđman's program for the creation of "Greater Croatia" and struggled for the secession of the Bosnian Croats and their integration into Croatia. Although the majority of Bosnian Croats lived in harmony with the Bosniaks and the Serbs in Central Bosnia and were against Bosnia's dissolution, no party succeeded in gathering their support and challenging the HDZ supremacy in the Bosnian Croat politics.

HDZ acquiescence to the Dayton agreement was inspired in part by the promise of the international community for substantial economic and military assistance and in part by the agreement's multiple ambiguities. Indeed, not only did the Bosnian Croats avoid honouring their commitment to dismantle Herceg-Bosna, but they also strengthened their quasi-state's structures and proceeded vigorously with its integration into Croatia (Morrison, 1996: 144). To the extent that the international community

acknowledged the right of the Serbs to maintain the RS, the Bosnian Croats believed that the preservation of Herceg-Bosna was legitimate (Woodward, 1997: 102). Moreover, the sustainability of their quasi-state was a valuable source of revenue because it allowed the Bosnian Croats to impose taxes and duties on all border crossings with Croatia (Calic, 1996: 133). In this regard, the HDZ resisted the transfer of authority away from their parallel institutions to new municipal or cantonal structures and impeded the reintegration of Mostar, the symbolic capital of Herceg-Bosna, and the Bosnian Croats perpetuated a climate of violence and insecurity in order to prevent the establishment of the Federation (Morrison, 1996: 145). As a result, the HDZ held to its pre-war partition plan and drove the same policies of “majoritisation” as the Bosnian Serbs.

To the extent that the Croatian Ministry of Defence financially sustained Herceg-Bosna, Tudjman’s death on 10 December 1999 and his party’s defeat in the Croatian presidential elections of the following month implied the cessation of all assistance to Bosnian Croat parallel institutions (Lovric, 2000). In the meantime, the international community went on the offensive to put an end to illegal Croat parallel structures. SFOR troops closed down the branches of the Hercegovacka Banka, the de facto central bank of Herceg-Bosna, and the Federation’s authorities were assisted in taking control of all public companies in the Croat-dominated areas (Jukic, 2001). As a result, the Bosnian Croat nationalists were deprived of their last sources of revenues for the sustenance of parallel institutions, and Ante Jelavić, HDZ’s president at the time, was forced in the fall of 2001 to announce the end of Croat self-rule.

The emergence of a group of moderates, headed by Bariša Čolak, in the party’s leadership, made an impressive change in HDZ policies. The party argued for the strengthening of state institutions with the establishment of a single army, interior ministry and intelligence agency (ICG, 2003a, 19–21). The HDZ also participated in the inter-ethnic constitutional talks and consented to the revisions that were agreed upon. Nevertheless, a fraction of the party opposed the constitutional amendments on the grounds that they would make the Croats worse off than they were already. The dissidents formed, in April 2006, a new party, the “HDZ 1990”, which voted against the legislative approval of the constitutional revisions in Bosnia’s House of Representatives (Haupt, 2006: 45–47). The HDZ split and the controversy of its heirs (over who was the genuine defender of Croat interests) favoured the SDP, the country’s largest civic party. In particular, the SDP surprised many when it won the Croat seat by mustering votes from Croats in Central Bosnia as well as moderate Bosniaks in the 2006 presidential elections (Lippman, 2006: 32–33).

Having thus far presented Dayton’s ambiguities and how the nationalists exploited it, the following section will discuss how the international community has endeavoured to make Dayton work.

THE INTERNATIONAL STRATEGIES IN BOSNIA

The overwhelming presence of the international community in Bosnia could not account for the agreement’s multiple ambiguities, as the nationalists’

obstructionism demonstrated. Hence, the international community decided in 1997 to indefinitely extend its mandate in Bosnia. Moreover, it vested the HR with the power to pass laws and decisions at any constitutional level and the authority to dismiss any non-cooperative elected representative, party officer or public official. The so-called “Bonn powers” of the HR have been unlimited not only because he/she could dismiss even presidents and prime ministers but also because he/she is not accountable to any national institution and subsequent HRs have interpreted their powers on their own (Knaus & Martin, 2003: 61).³ Indeed, the Office of the HR has made such use of its power that it has dismissed over 100 public officials, including Poplašen and Jelavić, and has endorsed over 500 binding decisions and laws. The removal of all obstructive officials from office was intended to sever the nationalist parties from their most radical elements as well as demonstrate that objection to the peace process was not a real option. Indeed, all three parties have been headed by more moderate leaderships than in the past as a result.

Furthermore, the international community has attempted for many years to “correct” some defects of the agreement with subsequent modifications, which stopped short of re-opening the talks on the overall content of the Accords. In other words, the international response to the nationalists’ obstructionism has been the silent transformation of the Dayton agreement into an on-going, partially modifiable process moving the country’s political system towards a more centralised model of governance. The HR laws and decisions have aimed at the initiation of essential reforms and the strengthening of central institutions. The HR has achieved, *inter alia*, the transfer of substantial competencies from the Entity to the State level with the establishment of seven additional state ministries, the reunification of Mostar, the abolishment of all references to statehood from the constitution of RS, and the revision of both Entities’ constitutions following the ruling of the Constitutional Court regarding the equality of all three ethnic groups throughout the entire country.

The Entities-versus-State balance of jurisdiction has been changing in the state’s favour, and Bosnia’s integrity seems to have been preserved. Yet, the *modus operandi* of the HR has definitely not been democratic, and the peace process has frequently advanced without the will of the Bosnian local authorities. The latter, unable to effectively react to the HR’s imperial governance, have become passive towards the country’s political and economic reforms, prompting many researchers to argue for the absence of local ownership from the Bosnian peace process. Moreover, the country’s system of government has been dysfunctional and too expensive to maintain due to the coexistence of multiple levels of governance (Tzifakis & Tsardanidis, 2006: 67–84). As long as the state’s administrative division represents the essence of the peace settlement, its revision is definitely beyond the scope of the “Dayton as a process” approach.

The international community seems to have progressively acceded, during the last five years, to a policy variant in which the Dayton process has increasingly been subordinated to the requirements of the country’s Euro-Atlantic integration (Chandler, 2005: 336–349). The international rhetoric has been reformed, and the ethnic parties have been called to cooperate to

bring the country in line with the European norms and the requirements for accession into the Euro-Atlantic structures rather than for the sake of implementing the peace process per se. Moreover, Europe has gradually assumed greater responsibility over Bosnia. The EU delegated the HR with the additional role of the “EU Special Representative” (EUSR) and it deployed police (EUPM) and military (EUFOR-*Althea*) missions to replace their respective UN (IPTF) and NATO (SFOR) counterparts. In this regard, the international community seems to have placed its hopes for the implementation of the peace process on the conditionality of the EU (and NATO) accession procedures.

The country’s Euro-Atlantic orientation has indeed induced the nationalists to accept the establishment of a state ministry of defence, a state intelligence agency and an integrated customs service. The three ethnic groups also agreed in November 2005 to participate in the inter-ethnic constitutional talks, which aimed to strengthen the central institutions. The three communities – i.e. the following seven parties: SDA, SDS, HDZ, SDP, SNSD, PDP and HNZ – agreed to the expansion of the central government’s size by two ministries, the strengthening of the prime minister’s powers and the replacement of the collective presidency by a single president and two vice presidents who would rotate in these posts and would still represent the three ethnic communities (Haupt, 2006: 42–46). Nevertheless, Bosnia’s House of Representatives did not approve the constitutional amendments with a two-thirds majority, and the agreement turned into an empty letter. While the SBiH argued that the changes endorsed the country’s current Entity system, the HDZ 1990 claimed that they put the Croats in an unequal position. The results of the October 2006 elections were a blow to the seven-parties-coalition for the constitutional amendments. The new SDS leadership proclaimed its opposition to the agreement, and the SNSD moved to a more nationalistic position, which is against the weakening of the RS (Mustajbegovic, 2007).

A similar impasse has emerged over the implementation of the police reform. The Serb nationalists have not been eager to accept the full transfer of authority to central institutions, or the determination of new police areas that would cross the IEBL. The SDS proposal in October 2005 – that was agreed upon by all parties – previewed the integration of the Entity police forces that was to take place within five years and intended to open the way for the EU-Bosnian talks regarding the signing of a Stabilisation and Association Agreement (SAA) (Haupt, 2006: 35–37). However, the Serbs have subsequently boycotted the work of the Police Reform Directorate and rejected its report, which was published in December 2006. Moreover, the SNSD, SDS and PDP – i.e. the largest Serbian parties – have expressed their opposition to the termination of the RS ministry of internal affairs and its police structure. The RS Assembly additionally decided to submit any solution on the police reform to approval by referendum (Fena news, 11/04/2007). The Bosniak parties, on the other hand, stand firmly against the preservation of the current cantonal and entity police structures, and thus, the police reform has stalled.

Overall, despite the EU's linking of the signing of the SAA with the adoption of constitutional amendments, the implementation of the police reform and the country's cooperation with the ICTY, the nationalists seem unwilling to retract their current intransigent positions.

CONCLUSIONS

This article has presented the struggle among the nationalists and the international community in the Bosnian peace process. This struggle has been fuelled by the inconsistencies of the Dayton accords and, more importantly, by the presumption that power-sharing mechanisms would almost automatically work on their own to foster political stability. However, the Lijphart-inspired consociational model has not succeeded in Bosnia's case. As Schneckener (2002: 215–216) illustrated, successful power-sharing settlements require that the involved parties are satisfied by the agreed status-quo. In Bosnia, the nationalists moved in the post-war era with the same divergent aspirations that they had nurtured when they conducted the civil war. Perhaps it is no exaggeration to paraphrase Clausewitz and claim that all three Bosnian ethnic groups viewed the peace process as a continuation of war by other means.

Theoretically, the role of individuals in peace processes has been framed by the so-called "agent-structure debate". While Stedman (1997: 5–53) has emphasized the role of "spoilers" in the failure of peace settlements, Greenhill and Major (2006/2007: 7–40) highlighted the importance of structural factors permitting the emergence of spoilers in the first place. In Bosnia's case, this article has chosen to side with the "structure" side of the debate, since it demonstrated that obstructionists have come to emerge as "defenders" of the Dayton framework that provides Entities and cantons with certain state-like prerogatives.

This article by no means implies that the partition solution would have been a more appropriate conflict regulation strategy for Bosnia. This option may be dismissed, primarily, on ethical grounds. Neither does the study argue that the Bosnian peace process should not have included power-sharing mechanisms. Their existence in the Dayton accords facilitated the conclusion of agreement among the warring parties and represented a constant guarantee of the three ethnic groups' political equality during the post-war period. Instead this article claims that the peace settlement has been deficient – firstly, in integrative elements (i.e. joint common institutions) and, secondly, in electoral and political incentives for cooperation.

The international dual strategy of awarding "imperial powers" to the HR and transforming the Dayton framework into a "flexible process" has contributed to the increase and the strengthening of the country's central institutions. The advantage of this strategy has been that its implementation has not required the approval of the nationalists. In this respect, central governance has been improved, and the disinclination of ethnic parties to work together has been by-passed. Yet, the scope of this policy seems to have reached its limits. Aid dependency and passivity have plagued domestic politics, raising questions about the ownership of the process. What is more, the rationalisation of the country's administrative system cannot be pursued

within the “Dayton as a process” approach. Hence, the requirement for cooperation and convergent approaches by the three ethnic groups inevitably comes again into play.

The policy methodology of viewing “Dayton as a process” has increasingly gained momentum since it was linked to the advancement of the country’s Euro-Atlantic accession. However, the current impasse over the revision of the constitution and the implementation of the police reform demonstrated that while the ethnic parties are willing to explore ways of advancing the country’s European path, they are not ready to sacrifice much of what they have already acquired.

On the other hand, one might argue that this path has just gotten started and its destination seems remote. Many Bosnians doubt the intentions of the EU to accept their country within its ranks. In this regard, the more the Euro-Atlantic integration of the country proceeds and becomes materialised, the greater the motivation for the ethnic parties to abandon their current positions and concede to the implementation of essential reforms for the viability of their state will be. To sum things up, the availability of incentives and common grounds for cooperation seems to be the only way out of a situation in which the parties seem disinclined to constructively work together.

ENDNOTES

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- ² The terms “Bosnian Muslims”, “Muslim” and “Bosniaks” are interchangeably used throughout the article as synonymous.
- ³ The HR reports only to the Peace Implementation Council (PIC). This is a biennial gathering of 55 representatives of countries and agencies that is chaired by the HR.

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