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The Political Environment in Bosnia and Herzegovina regarding Power-Sharing  
Governance

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I have written the Master's thesis independently.

All works and major viewpoints of the other authors, data from other sources of literature and elsewhere used for writing this paper have been referenced.

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## **Abstract**

This study assesses trends of the political environment of Bosnia and Herzegovina (BiH) between the period of 2004 and 2012 pertaining to contentions of two differing models of conflict regulation, the consociational and integrative, which apply to BiH. As each model has contentions pertaining to voting patterns, political elite behaviour, and on the workings of institutions, this study conducts an analysis through the assessment of election results, compliance with power-sharing arrangements and the nature of coalition building, and the workings of a consociational institution to reach its findings. The current system is deemed as being largely ineffective. In addition, since there is pressure to introduce more integrative measures to the power-sharing structure in BiH, the aim is to assess how the trends in the political environment have fared from the period a similar study was conducted in order to reach recommendations on whether or not to further support the utilization of consociational elements. The analysis in this study portrays that the trends hold more true for the contentions pertaining to the consociational model. Although the findings are not conclusive at first, new developments further favour the consociational model. Also, integrative measures were found to be the source of the problem when analyzing compliance with power-sharing arrangements. Therefore, the suggestion conveyed is that instead of diverting away from the use of consociational elements there should be an encouragement to improve them.

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## **Abbreviation List**

BiH - Bosnia and Herzegovina

DPA - Dayton Peace Agreement

FBiH - Federation of Bosnia and Herzegovina

HD - Croat 'Demochristians'

HDZ - Croatian Democratic Union

HDZ 1990 - Croatian Democratic Union 1990

HDZ BiH - Croatian Democratic Union of Bosnia and Herzegovina

HKDU - Croatian Christian Democratic Union

HSP - Croatian Party of Rights

HSP BiH - Croatian Party of Rights of Bosnia and Herzegovina

OSCE - Organization for Security and Co-operation in Europe

RS - Republika Srpska

SBB - Union of a Better Future for Bosnia and Herzegovina

SBiH - Party for Bosnia and Herzegovina

SDA - Party of Democratic Action

SDP - Social Democratic Party

SDS - Serbian Democratic Party

SNSD - Alliance of Independent Social Democrats

SRS - Serbian Radical Party

SRS RS - Serbian Radical Party of Republika Srpska

SRS VS - Serbian Radical Party "Dr. Vojislav Seselj"

## **Section 1: Introduction and Background**

### **1.1 Introduction**

Elements of consociational democracy play a significant role in the power-sharing system that is currently in place in Bosnia and Herzegovina (BiH). Within the Dayton Peace Agreement (DPA), which marked the end of the conflict in BiH in the 90s, is where the guidelines for the governing structure of BiH are set. The DPA can be described as a typical example of consociational settlement especially when considering the institutional framework it has produced and influenced (Belloni, 2004, p. 336). However, the DPA also comprises elements of the integrative approach. These two approaches of the consociational and integrative models represent the two most advocated structures for regulating conflict in deeply segmented societies (Caspersen, 2004, p. 570-571).

The dilemma facing the political structure in BiH is in which direction the balance should be shifting between the two approaches, or if it should be shifting at all. What seems to be puzzling in BiH is that there is a call for a more integrative approach when it is still quite clear that such provisions are not favoured by two of the three constituent peoples. It should also be expected that, for the most part, any group constituting a minority in a particular situation would not be satisfied with integrative provisions. In short, the difference between the two approaches is that while the integrative approach transcends ethnic divisions, the consociational approach advances a political structure built on the basis of diverging segments, which separates the groups instead of integrating them. The approach from the consociational standpoint is to guarantee the diverging sides a share in power and to accommodate them on their claims to self-determination. However, the consociational approach tends to freeze ethnic divisions and is slammed for being ineffective for governance, meanwhile the integrative approach is slated for resembling a majoritarian system which lacks in the protection of minority rights (Caspersen, 2004, p. 571-572).

The society in BiH is divided along ethnic lines where the main identifying indicator is religious affiliation. The three main ethnic groups within BiH are the Bosniaks, Serbs and Croats. These groups also constitute the constituent peoples of BiH. The citizens who do not identify themselves as one of the three constituent peoples of BiH are at a disadvantage in the political sphere with regards to representation and special rights, and thus fit in the category of 'others'. In addition, there is disagreement, as the political elite in BiH are not in congruence with how the state should be structured (i.e., more decentralized or more integrated and centralized). The Bosniaks are the more populous of the ethnic groups and the elite representative of this group advocate for a more centralized system, whereas the elite representative of the Serbs and Croats are more driven towards supporting a decentralized structure of governance. To accommodate for their differences in interest, and opinion, a complex system of power-sharing was established where no one side has the ability to make decisions on vital issues without the consent of the other two, or at least it is very difficult.

Even though no side is truly satisfied, to say the least, with this system envisioned by the DPA, it is the one which the citizens of BiH have to live with. Improving such a system would require the revision of both consociational and integrative elements. Caspersen (2004) used BiH as a case study for a comparison of the effect the integrative and consociational models have on stability. The elements of each approach were isolated and then their effects were compared. She concludes that the consociational model has been better in fostering stability, but also that an implementation of both of the approaches at the same time can promote moderation. It was also stressed that there was an increase on the emphasis of the integrative measures within the DPA, and that new measures were being introduced (Caspersen, 2004, p. 573). The methods utilized by Caspersen are an assessment of election results, observations of coalition building and compliance with power-sharing arrangements by politicians, and the workings of institutions. These methods were utilized in order to examine the contentions the consociational and integrative models have pertaining to voting patterns, political elite behaviour, and workings of institutions.

Since the governing structure in BiH, to a large extent, resembles a consociational settlement, and considering that it is regarded as largely ineffective, it is understandable as

to why there is an increase on the emphasis of the integrative measures and a push to introduce more of them. Despite this, though, the argument pursued in this thesis is that the political environment in BiH is fit for consociational elements, and instead of deviating away from the use of consociational elements there should be an encouragement to improve them. With a current study the aim is to see how the trends in the political environment in BiH have fared since Caspersen's study in order to reach recommendations on whether or not to support consociational elements and their improvement in BiH. The study mainly takes place between the period of 2004 to 2012. The trends of the political environment are assessed through the same methods utilized in Caspersen (2004), which have been mentioned above. This study is important because with the push for a more integrative approach, while the political environment may be fit for a more consociational approach, deviating from the consociational elements may be a move too risky to act on today and in the sooner years to come. One trend which was surprising, as expressed by Caspersen, was that there was a decline in the support for nationalist parties, which implies a moderation in the attitudes of the public. In addition, she indicated that moderation may develop faster in residentially heterogeneous areas as she recorded a significant decrease in nationalist support in heterogeneous municipalities (Caspersen, 2004, p. 575-577). This trend in particular does not favour the contentions of the consociational model, but with new developments in the political arena, as in the emergence of new political parties and the occurrence of some disruptive political crises, it is questioning whether or not the trends have continued along such a path towards moderation. Therefore, in the midst of calls for more integrative measures it would be useful to give insight on the political environment in BiH and if it is fit for consociational democracy prior to a potential shift away from consociational elements. By assessing the contentions of the two models to conflict regulation recommendations can be made depending on how trends have fared since Caspersen's study.

The consociational and integrative models each have contentions pertaining to voting patterns, political elite behaviour, and workings of institutions, which are used to gauge the political environment in relation to the two approaches. Voting patterns from election to election will depict within which municipalities more nationalist voting is



prevalent, either within the heterogeneous or homogenous ones. The consociational model holds that heterogeneous units will foster greater extremism. However, the integrative model contends that moderation and inter-ethnic cooperation will be fostered in heterogeneous units. Political elite behaviour is then assessed through the willingness of the elite to engage in inter-ethnic cooperation (i.e., attempts in coalition building and respect towards power-sharing arrangements) (Caspersen, 2004, p. 574). The consociational model professes that the political leaders from diverging groups will come together in order to avoid dangers posed by a society divided along hostile subcultures, that is when they become aware of such dangers (Lijphart, 1969, p. 211-212). The integrative model contends that in heterogeneous units elected politicians will show willingness and ability to engage in inter-ethnic cooperation. Regarding the institutions the consociational model conveys that integrative institutions will not be welcomed and will face difficulties in getting established, and, on the other hand, the integrative model holds that the consociational institutions will be faced with ineffectiveness and deadlock (Caspersen, 2004, p. 574). Appropriate recommendations can then be made after assessing the political environment on the basis of these contentions. Therefore, the argument relevant to this thesis would be supported if trends favour the contentions pertaining to the consociational model and portray that the opposite is occurring to that which the integrative model contends. The research questions then are: how have these trends, regarding the political environment, based on the contentions of both models, fared since the study was last conducted and what can this tell us about the prospects of the further utilization of consociational elements in the power-sharing system of BiH?

The analysis in this study portrays that the trends hold more true for the contentions pertaining to the consociational model. First, it is not convincing that public attitudes are shifting towards moderation as Caspersen concluded, since the voting share for nationalist support, which is recorded in this current study, is higher than that of which was recorded by Caspersen (2004) for the elections in 2000 and 2002. In addition, the nationalist voting share is higher in heterogeneous municipalities than in homogenous ones, and there are no indications of changes in the trend to show otherwise. Also, all the cases which had issues with power-sharing arrangements were heterogeneous ones, as elected politicians were

reluctant to engage in inter-ethnic cooperation. Furthermore, the disruptions in the governing of BiH has highly been due to integrative measures as they are not being welcomed and are facing difficulties in getting established. However, two trends which seem to weaken the argument of this thesis are that leaders are not effectively forming coalitions to avoid dangers posed by a society divided along hostile subcultures and that the consociational institution, the Parliament, is faced with ineffectiveness. However, the workings of this consociational institution was more effective during the period between 2006-2010 compared to when Caspersen conducted her study, and it only slowed when there were disruptions resulting from the backlash towards integrative measures. There are also new developments which show a turn in events as the new governing coalition has come to terms on a new deal concerning reforms and progress in the Parliament seems to be picking up as, recently, a new law of importance was passed. Therefore, in this study the case, then, is made for the improvement on the already established consociational elements within the power-sharing governance of BiH.

There are a few countries within the European context which have faced, in the past two decades, violent conflict and now have to accommodate for ethnic divisions. They are all, of course, of great importance to the understanding of post-conflict states. However, considering that, in BiH, each of the main ethnic groups make up a substantial proportion of the population and that the influence each of these groups have on the politics is significant, it makes it an interesting case study in itself. In addition, after the extent of the violent conflict, it is a fascinating phenomenon in how shortly after processes started for participation in international organizations and the cooperation with the EU in order to set the path for potential membership. Though, the latter is far from being realized. The BiH governing structure is a greatly complex system of power-sharing, which attempts to manage the conflict-ridden society. Such a system is rarely envisioned in other deeply segmented countries. Moreover, this study is relevant in the broader context of the field, since power-sharing regimes incorporating consociational elements are set up in many post-conflict states, or have potential to be utilized in their governing structures, such as in Burundi, Northern Ireland, Lebanon, Afghanistan, Pakistan, Somalia, Iraq, Macedonia, Israel, Nigeria, Rwanda and in possibly many other deeply segmented states, like India.

Hence, the points covered in this study can be relevant for, and be applied to, other deeply segmented societies. In general, it will be an addition to the literature on consociationalism, power-sharing and post-conflict management.

Furthermore, this work is split up into several sections. The first section includes the introduction and background. The background portion of this section is a brief overview of recent history and the differences present in the society of BiH. It demonstrates why a power-sharing system was introduced to BiH. In addition, the nature of divisions depicted in this subchapter alludes to why a power-sharing system is further required. There is also a brief description of the political parties as they are important for the understanding of the analysis section. The theoretical framework portion of the thesis covers what the theory of consociationalism contends, how it started, where it has been utilized, what it has been criticized for, and how it has expanded its relevance to post-conflict and developing countries. The integrative approach is also analyzed in this section. A literature review is also included as a section. It incorporates a summary of Caspersen's study. Additionally, this section's purpose is to describe the power-sharing governance in BiH and in the ways it resembles consociational power-sharing, and also where the shortcomings lie, in order to portray that there is room for improvement regarding consociational elements. Another section is methodology, which emphasizes how the study was conducted and where relevant data was gathered from. The weaknesses of the study are also portrayed here. The analysis makes up another section in the structure of the thesis. Here the findings and conclusions resulting from the analysis will be expressed, as well as how such conclusions were reached. The final section is the conclusion which is a general summary of the thesis.

## 1.2 Background

BiH is a country characteristic of a plural society, and it was one of the more diverse of the six republics that made up Yugoslavia. The three main religions of BiH, Islam, Orthodoxy and Catholicism, are key determinants of one's ethnicity, be it Bosniak, Serb or Croat. To clarify, most Bosniaks are Muslim, most Serbs are Orthodox Christians, and most Croats are Catholic. The population of BiH is estimated to be at around 3.8 million today, whereas in 1991 there were 4.3 million inhabitants. At the time of the 1991 population census the Bosniaks made up 44% of the population, whereas the Serbs made up 32% and the Croats 17%. 7% of the population comprise of 'others', which includes people identifying themselves as one of the following groups: Yugoslav, Jew, Roma, or Albanian. There are several other minority groups, as well. It is also expressed that the composition of the population is quite similar to that of what it was before the conflict erupted (Clancy, 2007, p. 3; 47).

The people of the three diverse religious groups lived amongst each other for centuries and were not territorially divided on counts of religiosity. What is meant by this is that people of all backgrounds were dispersed across the region and no one area was exclusively inhabited by one group. Singleton (1985) portrays that the Serbs, Croats, and Bosniaks have the same background and are the same people: "once the South Slavs had settled in the Balkans they also became separated from each other, partly because of geographical obstacles, and partly because of the historical circumstances of foreign occupations" (p. 14). Nonetheless, the political deadlock, as well as the ethnic divisions and identities, are very much real. However, when putting religion aside, BiH seems to be characteristic of a homogenous nation. For instance, the same language is spoken (usually at the same time), similar food is cooked, same jokes are prevalent, procrastination is taken as a preeminent approach to life, the same Latin American and Turkish soaps are enjoyed, and there is great intolerance of draft (Loza and Pekmezovic 2012, p. 15). The point being, there are great similarities across the different ethnicities of BiH. These similarities are not being utilized much, but nevertheless, it is understandable as to why it is hard to strengthen

the ties. Hence, it still seems unlikely that ethnic affiliations will die out in years to come and a power-sharing system of some sort is necessary for the meantime.

Moreover, BiH became a recognized country on April 6<sup>th</sup>, 1992, as it declared its independence from Yugoslavia. Great controversy surrounded the country's bid for independence, though. The challenge was for the three major parties involved to come to a consensus on the country's future, but no such compromise could be reached. Similar issues still plague its political subsistence in the present, as did in the lead up to the war in '92. In BiH, at the moment, there is stability, but the country is well shy of prospering out of its dire situation.

During the most recent conflict, among other variables, the religious differences played a crucial role in separating the people. Each side was aiming to avoid minority status, and in 1992 the war in BiH erupts pinning the three groups against one another. Boyd argues the following: “war in Bosnia and Croatia was not the inevitable product of centuries of ethnic hatreds. It was created from ambition, fear, and incompetence-local and international” (Boyd, 1995, p. 26). In all the commotion ethnicity and religion became important as ordering devices (Mueller, 2000, p. 43). Group classification started to surface and the religious cleavages became more entrenched as the conflict unravelled. There was an “us and them” attitude. People were left with little choice and usually had to choose from either being dominated by vicious thugs belonging to their own ethnic group or by vicious thugs of a different ethnic group (Mueller, 2000, p. 56).

The conclusion to the violence was enforced by the signing of the DPA in 1995. However, the agreement did not really resolve the conflict in itself, but actually just froze it. The sentiments from the war still fuel the political stagnation of the country, and voting still happens predominantly along ethnic lines. Nevertheless, the DPA brought about the complex system of power sharing in place in BiH, and peace has thus far been maintained. Map 1, on the following page, depicts the territorial divisions envisioned by the DPA. In BiH there are two entities. One is the Republika Srpska (RS), the Serb Republic, and the other is the Federation of BiH (FBiH), the Bosniak-Croat dominated entity. Although the latter is internally divided into 10 cantons, the two entities have extensive autonomous powers. There is also Brcko District, which is an autonomous unit in the north-east part of

the country, and when observing the map below it is the region which splits the RS into two parts. It was established as its own district in 1999. It has its own laws, but international administration has been very direct in this district (Bieber, 2005, p. 422; 426).

Map 1. Bosnia and Herzegovina



Source: <http://www.saferworld.org.uk/where/bosnia-and-herzegovina>

Moreover, the following is a description of a few political parties which is necessary for the understanding of the analysis section. The Serbian Radical Party "Dr. Vojislav Seselj" (SRS-VS) emerged following a disagreement among the members of the Serbian

Radical Party of Republika Srpska (SRS RS) in 2002 (Press RS, 2012). These two parties are also associated with the SRS based in Serbia. Hence, some Croatian and Serbian political parties in BiH are associated with political parties based in Croatia and Serbia. The SRS based in BiH has had links to the SRS in Serbia since around 1992 when the war broke out in BiH, and during the war the party was in contention with the Serbian Democratic Party (SDS) with regards to the Serbian cause (Caspersen, 2010, p. 33; 141; 150). Moreover, the Croatian Democratic Union of BiH (HDZ BiH) and the Croatian Democratic Union 1990 (HDZ 1990) are Croat based parties in BiH. A division within the HDZ BiH resulted in the creation of the HDZ 1990 in 2006 due to prolonged disagreements over how the ministerial positions should be distributed (Goering, 2007, p. 173-174). They both have associations to the HDZ based in Croatia by name and through political support. One example being that in 2006 the Prime Minister of Croatia, also the leader of the Croatia based HDZ, publicly showed his support for the HDZ 1990 (OSCE, 2007, p. 10). The Croatian Party of Rights of BiH (HSP BiH) is another Croatian party in BiH which has associations with a political party in Croatia, which as well is called the HSP. The Party for Democratic Action (SDA) is a Bosniak nationalist party, which was a wartime party along with the SDS, SRS RS and HDZ BiH. Moreover, the SDP is the largest of the political parties in BiH with multi-ethnic appeal, and even though it operates in both entities, the majority of its support is attained from the urban areas of the FBiH. In addition, as the majority of its membership is made up of Bosniaks and because it sided with the SDA and another Bosniak party, the Party for Bosnia and Herzegovina (SBiH), during constitutional talks in 2008, the SDP is regarded as a party that fends for Bosniak interests (Touquet, 2011, p. 456; 459). The Alliance of Independent Social Democrats (SNSD) is one more important party important to the analysis. It is a Serb dominated party which started to attain its significance in the government around 2002.

## **Section 2: Theoretical Framework**

### **2.1 Theory: Consociationalism**

Consociational democracy is the concept that Arend Lijphart is credited with launching. The definition of such a concept is: "consociational democracy means government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy" (Lijphart, 1969, p. 216). However, Lijphart does acknowledge that before him others have described what would be known as consociational democracy and that the term itself had been used in the past. Andeweg (2000) explains that it had been used by Apter (1961) some years earlier on the topic of Africa and authority patterns. Lewis (1965) and Ake (1967) are also credited to being predecessors of Lijphart's with their works on West Africa. Also, Andeweg mentions that Lehmbruch (1967) had analyzed the cases of Switzerland and Austria concerning the puzzle of stable democracy in divided societies shortly before Lijphart had, and referred to their circumstances using terms in German. Thus, there were others who described what later would be known as consociationalism (Andeweg, 2000, p. 510-511).

The significance of consociational democracy has to do with deviant cases of countries where there is coexistence of stable democracy and social segmentation. Lijphart explains that "when a society is divided by sharp cleavages with no or few overlapping memberships and loyalties - in other words, when the political culture is deeply fragmented - the pressures toward moderate middle-of-the-road attitudes are absent" (Lijphart 1969, p. 211). So, according to the theory of cross cutting cleavages, the contention is that societies characterized by divided subcultures which are reinforced by mutual cleavages should be plagued by great immobility and instability (Lijphart, 1969, p. 211). Hence, social cleavages, at times, overlap and reinforce one another. An instance of such a circumstance would be the case if all religious citizens belonged to the working class and all secular citizens belonged to the upper or middle class (Andewg, 2000, p. 510). However, the opposite could occur as well where a church member, who is also part of a trade union, associates with secular working class individuals in particular situations, but also in his



church he makes connections with upper and middle class people (Andeweg, 2000, p. 509). The latter sentence being an example of social cleavages cross-cutting each other. The "crosscutting cleavages" proposition contends that when people hold membership in various groups they are pulled in different directions and are exposed to others with diverse associations and allegiances. This leads to moderate political attitudes and reduces the intensity of political conflict (Lijphart, 1969, p. 208).

The classic cases which portray the coexistence of stable democracy and social segmentation are: the Low Countries, Switzerland, and Austria. Cases differ in the time frame of their classification as consociational democracies. The Netherlands was identified as one during the time period of 1917-1967, Austria from 1945 to 1966, Belgium since 1918, and Switzerland since 1943. Luxembourg has also been regarded as a consociational democracy, but little attention has been given to its status. Therefore, the initial contribution of consociationalism to democratic theory is that it explains such deviant cases where stable democracy and social segmentation do coexist (Andeweg, 2000, p. 510). The theory has also expanded to include countries beyond Western Europe. These cases beyond Western Europe include Lebanon during the time period of 1943 to 1975 and since 1989, Malaysia during the years of 1955-1969 and since 1971, Columbia from 1958 to 1974, and India from the time of their independence to the late 1960s. In addition, consociational aspects have been discovered in other countries, such as Canada and Israel. Other countries have even experimented with the consociational model, such as Cyprus and Czechoslovakia, albeit in brief (Andeweg, 2000, p. 513-514).

Furthermore, cross-pressures can be on both the elite and mass levels. The elite, most often, find it crucial to adopt moderate positions when heading social groups with overlapping and varying memberships (Lijphart, 1969, p. 208). Lijphart expresses the two main paths the elite can choose to take: "the leaders of the rival subcultures may engage in competitive behaviour and thus further aggravate mutual tensions and political instability, but they may also make deliberate efforts to counteract the immobilizing and unstabilizing effects of cultural fragmentation" (Lijphart, 1969, p. 211-212). In latter situation what happens is that the elite become aware of the dangers presented by the potential division into hostile subcultures and realize that the appropriate response to deal with the dangers is

the formation of a grand coalition. This intentional joint effort taken by the elites as a way to stabilize the system is the fundamental characteristic of consociational democracy (Lijphart, 1969, p. 213). Therefore, it has more to do with a grand coalition, or a cartel of elites making crucial decisions, than about any particular institutional arrangement (Lijphart, 1969, p. 215). This was evident in Belgium and Austria. In Austria's case, due to civil war tensions of the First Republic, the leaders from diverging Catholic and Socialist subcultures came to a consensus to unite in a grand coalition after the Second World War. At the time of the birth of independent Belgium there was an understanding between the Catholic and Liberal leaders for the need to avert catastrophic experiences of the Brabant Revolution of 1789, which left Belgium weak and divided leading to Habsburg reconquest (Lijphart, 1969, p. 212).

Moreover, as a result of decisions made by the cartel of elites, the structuring of institutionalized processes are prone to change, such as the electoral system. At times of elections passions may run high, but at the same time the desire at the elite level to avoid political competition may also be strong. Thus, in such an instance, consociational principles are applied to the electoral structure as a way to avert damage to the already created, and possibly fragile, system of cooperation. Here, however, the principle of majority rule is violated by consociational democracy, but even so, it does not stray greatly from normative democratic theory, as there is great emphasis on inclusiveness through power-sharing (Lijphart, 1969, p. 214). The majoritarian interpretation of democracy is government by majority where the majority governs while the minority opposes. Depending on how majority rule is achieved and put into practice violations of democracy can occur with ease, since principles of exclusion are articulated within such a system (Lijphart, 1999, p. 31).

Majoritarian democracy seems fine for predominantly homogenous societies where a present minority party could become a majority in future elections, and also in countries where the policies of political parties do not diverge extremely but actually stay within the proximity of the political center (Lijphart, 1999, p. 31). However, in fragmented systems or plural societies stakes tend to be much higher with regards to decision making even when concerning decisions outside constitutional importance (Lijphart, 1969, p. 214). These

plural societies are ones "that are sharply divided along religious, ideological, linguistic, cultural, ethnic, or racial lines into virtually subsocieties with their own political parties, interest groups, and media of communication" (Lijphart, 1999, p. 32). Thus, the majority rule system becomes both undemocratic and dangerous within societies characterized by such circumstances, since it is highly likely that the stability required for majoritarian democracy will be absent. Hence, the minorities cannot form majorities in plural societies because the parties diverge extremely and voters tend to be more rigid with their loyalties. In a lot of deeply fragmented societies the outcome of majority rule is not democracy but majority dictatorship and civil unrest (Lijphart, 1999, p. 32-33). Therefore, for plural societies, simple majority rule is not sufficient and more is required.

Lijphart (1977) outlines four characteristics essential for defining a consociational democracy. These four characteristics are: grand coalition, mutual veto, proportionality, and segmental autonomy. As established above a grand coalition signifies the primary characteristic of consociational democracy. Forming a grand coalition requires for potential participants to have a moderate attitude and be willing to make compromises. The country then is governed through the grand coalition which incorporates the political elite representative of all significant segments of the divided society. Lack of trust in deeply segmented societies is of vital concern, therefore, "by being in the government together, parties that do not quite trust each other have an important guarantee of political security" (Lijphart 1977, p. 25; 30-31). An example of a grand coalition is the Swiss seven-member federal executive body. This Federal Council is "composed of members of the four main parties in proportion to their electoral strengths: two Radicals, two Socialists, two Catholics, and one member of the Peasants' party. The seven councillors also represent the different languages and regions" (Lijphart, 1977, p. 31).

The other three characteristics, secondary instruments, of a consociational democracy compliment the grand coalition, and all four are closely related to each other. In grand coalitions, even though the minority is able to express its case, it can still be outvoted by the majority when decisions are being made. If vital interests are of concern during such decisions then cooperation can be endangered. A minority veto is then added to the grand coalition principle, as only a veto of such nature can guarantee complete political protection

for each segment (Lijphart, 1977, p. 36-37). The third characteristic, proportionality, serves two important functions. The first function consists of the distribution of civil service appointments and financial resources between the diverging segments. The second, but more important function, deals with the decision-making process. The proportional model holds that all groups have influence over a decision, but in proportion to their respective numerical strength in the population (Lijphart, 1977, p. 38-39). The final characteristic, segmental autonomy, entails minority rule: "rule by the minority over itself in the area of the minority's exclusive concern" (Lijphart, 1977, p. 41). Federalism is a special form of segmental autonomy, and both territorial and nonterritorial federalism have been important for the stability in European consociational democracies. They serve important functions as the granting of autonomy and overrepresentation for minorities in particular aspects of governance. (Lijphart, 1977, p. 41-43). Moreover, as Lijphart is the scholar who has most defended consociational theory, and to whom most critics have directed their criticisms, these four criteria have become the main defining features of the theory (Andeweg, 2000, p. 512).

Along with the four characteristics for defining a consociational democracy there are several favourable conditions, or factors, for consociational democracy's development in segmented societies. Table 1 on the following page, extracted from Andeweg (2000), shows the favourable conditions Lijphart outlined for the development of consociational democracy in segmented societies, in certain works of his, over the stretch of many years. Andeweg (2000) points out how Lijphart was not clear-cut about whether the factors of degree of pluralism and cross-cutting cleavages fit as favourable conditions. Thus, there is a lack of clarity regarding some of the favourable conditions and their status (Andeweg, 2000, p. 22). This can be seen as one of the weaknesses in the work. Nonetheless, in a later work the factor of cross-cutting cleavages was replaced by socioeconomic equality, and the latter Lijphart lists as the second most favourable condition (Lijphart, 1996, p. 263). Socioeconomic equality as a favourable condition implies "that it is helpful when the class cleavage cuts across whatever other cleavage is salient" (Andeweg, 2000, p. 521-522). Lijphart expresses this in his analysis of India where "socioeconomic differences within

religious and linguistic groups are so much larger that they overshadow intergroup disparities" (Lijphart, 1996, p. 263).

Table 1: Favourable Conditions for Consociational Democracy

Lijphart 1969: 216-22	Lijphart 1977: 53-103	Lijphart 1985: 119-28 1996: 262-63
Multiple Balance of Power	Multiple balance of power	No majority segment
External threat	Multiparty system	Segments of equal size
Relatively low decision-making load	Small country	Small number of segments
Distinct lines of cleavage	Degree of pluralism (?)	External threat
Length of time a consociational system has been in operation	Cross-cutting cleavages (?)	Small population
Internal political cohesion of subcultures	Segmental isolation and federalism	Socioeconomic equality
Adequate articulation of the interests of the subcultures	Tradition of elite accommodation	Geographical concentration of segments
Widespread approval of the principle of government by elite cartel	Representative party system	Tradition of elite accommodation
	Overarching loyalties	Overarching loyalties

"\*Question marks indicate factors that Lijphart mentioned without definitely concluding that they are favourable conditions."

Source: (Andeweg, 2000, p. 522).

However, the most important of such favourable conditions is the absence of a majority segment, or near majority. Thus, it is a drawback to consociational power-sharing if, in divided societies, there is a group which represents a solid majority and vouches for

majority rule over consociationalism (Lijphart, 2007, p. 51). When subcultures are of roughly the same size the leaders cannot count on a clear majority, but if the situation resembled the opposite of such then the elite belonging to the majority group would not have any incentives to share power with the losing minority group(s) (Andeweg, 2000, p. 524). Thus, segments of equal size becomes a favourable condition because a balance of power is established between the groups when they are of similar size. In addition, with regards to the favourable condition of small number of segments, Lijphart asserts that negotiations become too difficult and complex if too many groups are involved in the mix (Lijphart, 1996, p. 263). Similarly, his justification of small population as a favourable condition is based on his belief that "in small countries political leaders are more likely to know each other personally than in larger countries, the decision-making process is less complex, and such countries generally do not conduct a very active foreign policy" (Andeweg, 2000, p. 523; Lijphart, 1985, p. 123).

Another favourable condition is for the diverging segments to share in the same external threat, as internal unity is strengthened by external dangers. One more favourable condition for the development of consociational democracy is the geographical concentration of segments. Thus, "if groups are geographically concentrated, then federalism can be used to promote group autonomy" (Lijphart 1996, p. 263). Moreover, the presence of overarching loyalties in divided societies serve as a favourable factor as they work towards decreasing the strength of particularistic loyalties (Lijphart, 1996, p. 263). Religious bonds and nationalism are examples of overarching loyalties. In Belgium, for instance, the integrative power of Catholicism has been stronger than the class cleavage among practicing Catholics (Lijphart, 1977, p. 82). Tradition of elite accommodation makes up the last favourable factor to be covered. Certainly, consociationalism can be fostered more constructively if there are deep roots of consensus between the diverging groups (Lijphart, 1996, p. 263). Andeweg expresses that one criticism that is directed at this last factor covered is that the "tradition of elite predates the development of class and religious cleavages in Dutch society and that consociationalism therefore does not result from any self-denying prophecy" (Andeweg, 2000, p. 523). However, a weakness of such a critique is also noted. Hence, with regards to Dutch society it is still not clear as to "why the leaders of the new emancipatory movements

of Protestants, Catholics, and the secular working class that came from the pillarized segments would adopt the ways of those they were trying to replace" (Andeweg, 2000, p. 523).

Furthermore, as was mentioned above, some countries have tried experimenting with consociational democracy and its implementation has been advocated for others. The implementation of the four main characteristics of consociational democracy is proposed for deeply segmented societies as a path most likely to produce stability (Andeweg, 2000, p. 516; Lijphart, 1977, p. 223-238). Lijphart encourages leaders of plural societies to engage in consociational engineering in a way where they must become consociational engineers in order to establish and/or reinforce democratic institutions within their own countries, and democracy must be accepted as basic goal (Lijphart, 1977, p. 223). There is great debate over the application of the consociational model as a solution to conflict ridden divided societies, and the theory has been faced with much criticism. Some of the criticisms Lijphart (1977) himself raises about consociational democracy deal with the potentiality of failure in bringing about and maintaining political stability within such societies. One such criticism is that several of the consociational democratic characteristics may lead to an environment of indecisiveness and inefficiency. First, the concern is that decision-making is made slow through government by grand coalition. Second, "the mutual veto involves the further danger that decision-making may be completely immobilized" (Lijphart, 1977, p. 50-51). Hence, it may produce stagnation and instability due to the active use of the veto. The third of such criticisms is that if the standard of recruitment is based on proportionality then this hinders the priority of individual merit, since, in such a circumstance, membership in a certain segment becomes more important. Finally, segmental autonomy requires much capital for its upkeep. For segmental autonomy to function there is a need for the "multiplication of the number of governmental and administrative units as well as the establishment of a large number of separate facilities for the different segments" (Lijphart, 1977, p. 51).

Lijphart points out that, in the short run, the case might be such where consociational democracy tends to strengthen the plural character of a segmented society which reinforces separation between the diverging segments rather than aiding in the

process of integration (Lijphart, 1977, p. 228). Also, a consociational system may come across as slow and ponderous (Lijphart, 1977, p. 51). However, Lijphart has been consistent in defending the theory, and one point Lijphart brings up when responding to such criticisms and potential disadvantages is the distinction between short term and long term effectiveness of consociational democracy (Adeweg, 2000, p. 529). Hence, "an extended period of successful consociational government may be able to resolve some of the major disagreements among the segments and thus to depoliticize segmental divergences, and it may also create sufficient mutual trust at both elite and mass levels" (Lijphart, 1977, p. 228). The sides showing hostility towards one another should be able to gain from the experiences of coming to a consensus on settling the crisis, or at least from making attempts to do so, as well as from reaching a level of mutual tolerance (Lijphart, 1977, p. 228).

Another criticism that is brought up is that of the failure of consociational Cyprus. This reflects on the weaknesses of claiming consociational engineering as a necessary or sufficient method for achieving stable democracy. In addition, Lebanon and Malaysia represent two cases of reasonable success with consociational democracy in the Third World, but in the end they were unsuccessful. Thus, there are doubts about the feasibility of consociational democracy outside the realm of the Western world (Lijphart, 1977, p. 225). However, for cases such as Lebanon, Lijphart contends that it is a choice between consociational democracy or no democracy, rather than one between consociational and majoritarian democracy (Lijphart, 1985, p. 13). This may be a dilemma which many more countries are faced with. Therefore, "consociationalism has expanded from an amendment to democratic theory intended to help explain the existence of democratic stability in a few small European countries, to a normative theory of consociational engineering in practically all deeply divided countries" (Andeweg, 2000, p. 517).



## **2.2 Integrative Approach**

The integrative model is another approach for regulating divided societies. This approach has been most advocated by Donald Horowitz, and is an alternative to the system advanced by Lijphart. Thus, instead of separating the ethnic groups into their own spheres and guaranteeing each group representation it emphasizes an electoral system which binds the diverging groups and brings to the forefront issues which are common to, and important, for all of the sides involved. In divided societies where ethnic issues are prevalent what is necessary is to dedicate attention to providing incentives for accommodative behaviour. The electoral system is central for this approach since the incentives for politicians are likely to be found within it. Also, politicians may be more inclined to compromise under some electoral systems than others, which further signifies the importance of the electoral system to be implemented (Horowitz, 2002, p. 23-24). The point is to encourage the development of parties with broad platforms that will appeal to the citizenry belonging to all the different groups. When the political system is organized in such a way where political parties have to attract and be dependent on the votes of all the diverse groups, and not just one, then progress towards transcending ethnic divisions is made. The emphasis is to make moderation rewarding (Horowitz, 1990, p. 452).

Horowitz (1990) alludes to the case in Malaysia of how a society which is divided can make a shift towards moderation by making arrangements which make politicians rely on votes from citizens outside of their own group. Malaysia, most importantly, is organized in such a way where there are several heterogeneous municipalities, and this has been the main reason influencing the emergence of an exchange of votes across ethnic lines (Horowitz, 1990, p. 471-472). Horowitz (1991) terms this practice of exchanging of votes across ethnic lines as 'vote pooling', which will be discussed below. Nonetheless, the importance of highly heterogeneous municipalities is that even the party representative of the largest group has to take into account that there is a significant number of people in said constituency which should be accounted for, as they can highly influence the vote. On the other hand, in municipalities which are homogenous, and the minorities only comprise a small percentage of the constituency, then the party, or parties, representative of the largest

group, even if they are moderate on ethnic issues, do not have anything to gain from the minority group's votes. In the case of Malaysia, the Chinese minority could help undermine the Malaysian extremists by supporting more moderate parties. In addition, in the municipalities where the Chinese population was outnumbered by the Malays the Chinese-based political party could urge its supporters to vote for more moderate Malay parties, and vice versa (Horowitz, 1990, p. 464-465). This then made it possible for parties representative of Malays and non-Malays to come together in a coalition to challenge the ruling coalition and accuse it of "selling out the rights of the Malays and the rights of the non-Malays" (Horowitz, 1990, p. 467).

The integrative approach acknowledges that identities are flexible, and criticizes the consociational approach for neglecting this. Since group identities can change, issues other than ones concerning ethnicity can then become the more important ones (Horowitz, 2002, p. 24-25). Therefore, it is possible to minimize the gap in the divisions between the conflicting groups and to regulate divided societies without further encouraging separation. Thus, federalism in a country characterized by a divided society should be organized around heterogeneous units. Horowitz does acknowledge, though, that both homogenous and heterogeneous units are not useful in all circumstances (Horowitz, 1985, p. 617-618). However, Horowitz does claim that "heterogeneous states with the greatest potential for reducing conflict are those whose groups are intermixed or whose territorial boundaries have some long-standing binding force" (Horowitz, 1985, p. 619). In addition, if there are several heterogeneous units then there is a more likely chance that issues over resources and influence which can be attained at the center will not be defined by ethnic interests. Horowitz also advises that if states are comprised of heterogeneous units that the center be more powerful. It is hard to assess how many of such units is best for a federal system to be comprised of in order to reduce conflict, but it is perhaps better to have more units instead of fewer (Horowitz, 1985, p. 620-621). On this point Horowitz exclaims:

The more states there are, the greater will be the tendency of ethnic and subethnic groups to be concerned with parochial alignments and issues, and the greater will

be their difficulty of combining across state lines to make coherent and divisive claims at the center. (Horowitz, 1985, p. 621)

It is noted that the directions of the institutions, like political parties and politicians, need to be pointed towards focusing on generating incentives for moderation and multi-ethnicity. Thus, a preferential electoral system is advanced for the purpose of having the party or candidate be dependent on votes from the electorate outside of their own ethnic group. Here the voters not only convey their support for their first choice candidate, which is likely from a party representative of their own ethnicity, but also to choices of secondary preference, which would be for candidates representing other ethnic groups (Ellis, 2006, p. 3-4). One variety of preferential voting which Horowitz prescribes is alternative voting, and it "is a system in which second and subsequent preferences of those voters whose first preference is not one of the top two candidates are reallocated until a candidate attains a majority" (Horowitz, 1991, p. 188). It favours candidates who are able to attain a majority of the votes, rather than a plurality. What Horowitz terms as 'vote pooling' depends on such an electoral system. Vote pooling is where two parties agree on an exchange in electoral support, and Horowitz refers to it as happening across ethnic or racial lines (Horowitz, 1991, p. 166-167). If this type of practice takes hold on the grounds that an agreement between parties is reached then it can be established that a foundation for interethnic policy compromise has been laid. Hence, "voters of one group could provide the margin of victory for a candidate of another group, who might then be responsive to their concerns" (Horowitz, 1991, p. 173). In deeply segmented societies elections in systems characterised by alternative voting will often rely on second and third preferences where a majority threshold needs to be achieved for victory. The parties which are rewarded, then, are those which negotiate across party lines for second and third preferences. Therefore, "the exchange of second and third preferences, based on reciprocal concessions on ethnic issues, is likely to lead to an accommodative interethnic coalition if no party can form a government alone" (Horowitz, 1991, p. 189).

The main criticism of the integrative approach is that it does not differ much from a majority-rule system of democracy, and, thus, it does not guarantee minority representation, which is ultimately necessary in divided societies. Horowitz's alternative voting is similar

to the method known as the majority run-off. The difference being that in alternative voting results are reached in one round, whereas when the majority run-off method is used it takes two ballots as there is an elimination round. In Western Europe the majority run-off method was widely used, but proportional representation replaced it in the beginning of the 20<sup>th</sup> century. There was dissatisfaction with its function in societies divided along linguistic and religious lines. It also lacked in extending representation to the minorities (Lijphart 2002, p. 47-48). Similarly, Reynolds (2000) categorizes Horowitz's approach as belonging to the majoritarian family. Reynolds explains this to be the reason not only because "the alternative vote produces classically majoritarian results, and because presidencies (even with supermajority election rules) are essentially winner-take-all institutions, but because integrative majoritarianism seeks to include minorities by proxy rather than by full appearance" (Reynolds, 2000, p. 159). It is added that within Horowitz's approach there is nothing outlined which ensures that political power will be shared amongst the minority and majority groups (Reynolds, 2000, p. 159). On this point Lijphart expresses that it is difficult to imagine that a minority group would be willing to agree to a system where there is not much chance of being represented by a leader from their own ethnic group, and at the same time succumb to being represented by leaders of the larger groups who have more moderate agendas (2002, p. 49-50).

## **Section 3: Literature Review**

### **3.1 Governance in BiH**

The general question revolving around Caspersen's study, and one which she begins with is: "which institutions are most effective in fostering stability following an ethnic war?" (Caspersen, 2004, p. 569). What Caspersen set out to do is assess which of the approaches was more effective in fostering stability, either the consociational or integrative. Since the DPA contains traits of both the integrative and consociational approaches, BiH, for Caspersen, provides a good case study for the comparison of the two approaches to conflict regulation. In addition, both of these approaches are relevant for conflict-ridden and deeply segmented societies, as they are the two most recommended models for regulating conflict (Caspersen, 2004, p. 570).

The comparison of the consociational and integrative models was conducted through the use of election results, examination of political elite behaviour, and a comparison of the performance of consociational and integrative institutions. Her analysis was largely guided and based on the contentions pertaining to the two models regarding voting patterns, political elite behaviour, and workings of institutions. In addition, Caspersen's study consists of two phases. The first phase is during the time between 1996-97 and the second between the years of 1998-2002. The 1996, 1998, 2000, and 2002 elections are used to map the support for nationalist political parties, and then the 1997 and 2000 municipal elections are used to compare heterogeneous and homogenous municipalities (Caspersen, 2004, p. 574-575). Political elite behaviour is examined through an analysis with compliance to power-sharing arrangements, the willingness to engage in interethnic cooperation, and coalition building. For Caspersen the behaviour of the political elite is the basis of stability in the two models. Then for the workings of the institutions she focused on the human rights institutions, the Constitutional Court, the Central Bank, and the Parliament. The former three represent integrative institutions and the latter represents a consociational institution. In addition, pertaining to the analysis of integrative elements,

responses to refugee returns and responses to the implementation of more integrative measures are reflected upon.

Caspersen noted, in general, that there was a decline in the support for nationalist parties, and that these results indicated a moderation in public attitudes. In addition, nationalist support was actually slightly higher in the FBiH compared to the RS in the 1996, 1998, and 2002 elections (Caspersen, 2004, p. 575-576). In addition, the cooperation between the elites was not very high at the time of the particular elections she observed. First, "no inter-ethnic alliances between significant parties were formed before the elections" (Caspersen, 2004, p. 579). Also, in the second phase of her study there was an increase in the effectiveness of both consociational and integrative institutions (Caspersen, 2004, 581). Moreover, she concludes that the consociational model has been better in fostering stability due to the ongoing deep divisions, but also that an implementation of both of the approaches at the same time can promote moderation. It was also stressed that there was an increase on the emphasis of the integrative measures within the DPA, and that new measures were being introduced (Caspersen, 2004, p. 570; 573).

For the rest of this section on the literature review only a select few sources are relied upon. It may seem limiting but these are the most relevant sources on the topic of consociationalism and BiH. They touch upon many of the aspects of the four main characteristics and favourable conditions of consociational democracy. Thus, the governance of BiH is well covered within these sources. One of the main purposes here is to try and describe the different consociational features in BiH and how power is divided among the different groups, and also to portray where discrepancies lie compared to the criteria outlined by Lijphart in order to show that there is room for improvement regarding the consociational elements. In addition, the sources provide a good overview of the lack of consensus between the diverging groups on a structure of governance.

A consociational democratic settlement is very evident in the DPA. For instance, Belloni (2004) describes the post-Dayton institutional framework as being "a 'classic example of consociational settlement' where institutions correspond to an ideal-typical consociational democracy" (p. 336). It has been a gruelling task in managing such a complex system and making it work, but that is quite expected considering the experience

of war. In addition, between the three sides there are many concerns and preferences which differ (2004, p. 335).

The DPA set out to guarantee the political representation of each national group at the institutional level, to protect the groups' rights to self-government, and to promote inter-ethnic accommodation and compromise. In order to balance the different views held by the political parties representing the three groups the DPA is largely based on the "elaborate set of checks and balances...grounded in the theory of consociationalism" (Belloni, 2004, p. 336). Furthermore, proportionality is evident in the electoral system of BiH as political representation is guaranteed for the three main groups. In addition, in all governmental levels group representation is guaranteed through ethnic quotas. Also, the right to veto decisions infringing upon one's own 'vital interests' was granted to each group (Belloni, 2004, p. 336). With regards to ethnic autonomy being an important consociational feature, Caspersen (2004) adds that ethnic autonomy is, to a large extent, the defining feature of the structure in BiH. The segmental autonomy aspect of consociationalism pertains to the two entities, RS and FBiH. However, the division of autonomous powers within BiH also resembles the integrative model. The autonomy given to the two entities is not based on ethnicity itself, but on ethnicity and territory. Thus, there is potential for generating greater residential heterogeneity, and thus undermining the ethnic autonomous arrangement of the consociational structure in BiH (Caspersen, 2004, p. 573). Nonetheless, further consociational elements of the DPA are found in the three-person Presidency; Council of Ministers; and the Parliamentary Assembly (House of Representatives and House of Peoples). In these institutions one finds a grand coalition, minority veto provisions and parity of representation (Caspersen, 2004, p. 573).

In BiH, the principle of proportionality and parity pertains to all the fundamental political institutions of the state. First, this principle is evident in the first chamber of the Parliamentary Assembly, the House of Representatives, since the Federation is responsible for assigning two thirds of its members, and then the other third are to come from the RS. This principle of proportionality and parity based on entity and ethnic orientation is further found in the House of Peoples. The House of Peoples is composed of fifteen members: five Serbs, five Bosniaks and five Croats. The Serb portion is elected by the National Assembly

of the RS, and the members representing the other two segments are elected by the House of Peoples of the Federal Parliament. In each of the Houses of the Parliamentary Assembly the presidency consists of one Serb, one Bosniak and one Croat. Another institution is the national government, which is known as the Council of Ministers, where only two thirds of the ministers are allowed to be from the Federation and not more. In addition, the Presidency appoints the Chair of the Council, and they in turn select the ministers and their deputies pertaining to all constituent peoples (Kasapovic, 2005, p. 4-5). What resulted out of such constitutional provisions is a "normative framework for the formation of a kind of grand coalition governments i.e. governments consisting of the parties of all three national segments" was created (Kasapovic, 2005, p. 5).

Kasapovic (2005) goes over several DPA provisions in her analysis of BiH of which some will be depicted here. In both of the Houses of the Parliamentary Assembly the decisions of great importance are to be reached by consensus or qualified majorities by those present and voting. It is further stated in the DPA that "the Delegates and Members shall make their best efforts to see that the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity" (Dayton, 1995, Article IV). As legislation needs to pass through both houses in order to be adopted it is important that the sides come to a consensus in every stage of the process of adopting a legislation. However, since the veto being exercised in the Parliamentary Assembly is an entity-veto, the Croats and Bosniaks cannot exercise the veto on their own since they share the entity of the FBiH, meanwhile the Serbs are entitled to a super-veto in this process, as their entity is greatly homogenous. The veto voting procedure here can be improved, though, to just be based on ethnicity instead of combining a territorial veto with an ethnic veto (Bahtic-Kunrath, 2011, p. 902; 912-913). It seems as though if the Croats would be provided with their own veto measures in the Parliamentary Assembly then each side will have equal access to a veto.

Furthermore, in the Presidency the decisions are made by consensus as well, and here each side is entitled to a veto. Nonetheless, in instances where all efforts in reaching a consensus fail then decisions can be adopted by two of the three members. In such circumstances, though, the mutual-veto aspect of consociational democracy comes into effect because the one member who is in disagreement with said decision can declare it a



destruction of a vital interest of the entity they had been elected from (Dayton, 1995, Article IV). In the DPA the following is laid out:

Such a Decision shall be referred immediately to the National Assembly of the Republika Srpska, if the declaration was made by the Member from that territory; to the Bosniac Delegates of the House of Peoples of the Federation, if the declaration was made by the Bosniac Member; or to the Croat Delegates of that body, if the declaration was made by the Croat Member. If the declaration is confirmed by a two thirds vote of those persons within ten days of the referral, the challenged Presidency Decision shall not take effect. (Dayton, 1995, Annex 4)

Thus, from the arrangements covered above, it should be noted that BiH shares many characteristics regarding the four main elements of consociational democracy: grand coalition, mutual veto, proportionality, and segmental autonomy. Concerning grand coalition, since each group is guaranteed representation in almost all aspects of governance, it is very likely that the government will be made up of parties of all three national segments (Kasapovic, 2005, p. 5). In addition, in many instances veto provisions are available for use when vital interests regarding a particular group are of concern. Also, all constituent groups have guaranteed representation in politics, and each group has influence over the decision making process. However, the power-sharing structure in BiH is exclusionary for the smaller minorities as they are barred from taking part in elections for high office. (Bieber, 1999, p. 85). In addition, other minority groups are not equipped with rights to a veto. Furthermore, autonomy outlined in the DPA does signify segmental autonomy to an extent. However, the Croats do not have their own entity, which is deemed a drawback.

Moreover, in BiH there are some favourable conditions, outlined by Lijphart, that fit and others that do not. Kasapovic (2005) gives an evaluation of consociationalism's favourable and unfavourable factors. It is noted that there are several conditions present in the society of BiH which allow for the establishment of consociational democracy. These characteristics include: the small population factor; the presence of three distinct religious and national segments which the society is divided along; society being structured in such a

way where no segmental group represents a majority; the segmental groups are to a great extent geographically concentrated (Kasapovic, 2005 p. 9). The factor in terms of population, to an extent, points in Bosnia's favour. Hence, "consociational systems tend to be more successful in small countries, since they are easier to govern and possess less complex decision-making structures" (Bieber, 1999, p. 84). It can also be added that the segments are relatively of equal size, though, the Croats are relatively less populous than the other two groups. Nonetheless, the Croats still have the status as a constituent peoples and are able to compete reasonably well with the other groups within the current system.

Another favourable condition present within BiH is socioeconomic equality. In BiH the economic situation is relatively poor for the average person regardless of their ethnicity. The unemployment rate in 2011 in BiH was at 27.6%. When focusing just on the entities the unemployment rate does not tend to differ greatly. In the RS the unemployment rate was 24.5% and 29.2% in the FBiH. In addition, 48% of the population of BiH live below the poverty line and 18% are in the critical category (Stankovic, 2012, p. 3). Woehrel (2013) discusses how many opinion polls in BiH show "a broad disgust with the Bosnian political class, due in part to the petty squabbling..., while the country continues to suffer serious problems with unemployment and poverty" (p. 5). In one such poll only 12% of respondents stated that their lives had improved over the past four years (Woehrel, 2013, p. 5). Therefore, the relatively poor socioeconomic situation affects all three groups.

There are, of course, also conditions of unfavourable nature. First, for Kasapovic (2005), the biggest obstacle to this structure's efficiency is the lack of consensus on a common political system (p. 9). In addition, BiH is plagued by a weak tradition of democratic consociationalism along with the presence of radical nationalisms (Kasapovic, 2005, p. 8). Thus, in the present-day situation, traditions of accommodation are lacking. Another unfavourable condition in BiH is the absence of overarching loyalties. In many countries nationalism is one such overarching loyalty and can be a unifying force, as mentioned by Lijphart in his assessment of India (Lijphart, 1996, p. 263). However, in the case of BiH there are multiple nationalisms present, which works against the point of being a unifying force. Also taking into consideration that there is a weakness of other cleavages which would cut across these national lines then no cohesion is attained (Bieber, 1999, p.

84). Another unfavourable condition in BiH is the absence of an external threat. For Lijphart, the danger of external threats may actually have a unifying effect for small countries. However, this is not the case in BiH, as the external threat factor actually aids in the divisions between the segmental groups rather than in unifying them (Bieber, 1999, p. 84). Hence, in BiH the threats posed by external actors were only ever faced by one or two of the main segments in BiH, and thus, this only further deepened the divisions within the society (Kasapovic, 2005, p. 9).

Therefore, it can be concluded that BiH rates moderately on 6 of the 9 favourable conditions. In addition, even though the power-sharing system in BiH has much to improve on, the structure in BiH still displays elements from the four main characteristics of consociational democracy. A power-sharing system then may suffice in the long run in such an environment. This conclusion is based off of Lijphart's analysis on India and his contention that India rates favourably on seven out of the nine criteria and that it would be more surprising if India had not incorporated a power-sharing system (Lijphart, 1996, p. 264).

Furthermore, Bieber (1999) examines the applicability of the consociational democratic model to BiH by comparing it to the case of Belgium, which he takes as a role model case of a plural democracy. Bieber mentions that, according to Lijphart, Belgium is stable because "the Flemish/Walloon division is supplemented by other cleavages, such as the spiritual families and the Bruxellesois" (Bieber, 1999, p. 84). In BiH's case, though, the unfavourable factor of external threats, and also the lack of other cleavages cutting across national lines signify that "the demographic starting point for Bosnia is less favourable for the establishment of a consensus democracy than in Belgium" (Bieber, 1999, p. 84).

What seems to be at the root of the problem is that in BiH there is a large absence of non-national cleavages. In Belgium, first came the development of the trans-communal parties and then the different communities were accommodated. This is the main difference since in BiH nationality was the primary criteria for which defined the traditional parties, and now it is difficult to make attempts in crossing ethnic lines and in directing policy towards multi-nationals especially because of the experience of war. The development of a successful pluralist party system in BiH requires more effort from parties to cut across

national cleavages. Confrontation only tends to increase in a one-level system, as is the case in BiH with purely national divisions (Bieber, 1999, p. 87). The recommendation, then, is that, in BiH, "the parties have to develop programmes which focus less on national differences and rather on alternative approaches to the economy, social affairs, education and other matters" (Bieber, 1999, p. 94).

Moreover, the main problem, expressed by Belloni (2004), is that, in BiH, consociationalism has had limited success in bringing about long-term cooperation and compromise between the diverging ethnicities (Belloni, 2004, p. 336). He goes on to describe the situation in BiH as one where the "ethnic quotas reinforced the salience of ethnic identity and cleavages, entrenched many of the ethnic divisions that international intervention was supposed to soften and eventually overcome, and risked perpetuating instability" (Belloni, 2004, p. 337). Furthermore, there is an absence of incentives for cooperation, and politicians running on ethnic platforms are successful. Reconciliation has not been promoted and there has been constant tension between the three main groups making the decision-making process difficult (Belloni, 2004, p. 337-338). Overall, the system has been inefficient in instigating much progress. These particular points of Belloni's strongly tie into one of the criticisms Lijphart himself mentioned, which was that in the short run consociational democracy tends to strengthen the segmental divergences in a plural society. However, it is also the case that over an extensive period of successful consociational governance the main disagreements among the segments can be quelled and resolved (Lijphart, 1977, p. 228). What constitutes an extensive period or long-term should be questioned concerning Belloni's criticism. It should be noted that at the time when Belloni's article was published a decade had not passed since the signing of the DPA, and even today it seems to be quite too early to assess consociationalism in terms of 'long-term' effects, since consociational democracy has not had that much time to develop in post-Dayton BiH.

Complications in the system have also arisen due to rifts between the mediating efforts of the international community and local politicians. The Organization for Security and Co-operation in Europe (OSCE) attempted to moderate the voting process for the Federation House of Peoples by making members rely on votes from those not of their own

community. Representatives were previously elected by their own national groups from cantonal assemblies, but when the Barry Rule was introduced Bosniaks and Croats from the cantonal assemblies could vote for representatives not of their national group. In the Federation House of Peoples there are 30 seats reserved for Croats, 30 seats for Bosniaks and 20 seats for others, which includes Jews, Roma, and other minorities. When the Barry Rule took effect the main nationalist Croat party, the HDZ BiH, protested because in the cantonal assemblies Bosniaks outnumber the Croats. As a result, the Bosniaks would have great influence in the choosing of representatives from the smaller groups. This experimental change resulted in the dismissal of the Croat leader and the Barry Rule was dropped (Belloni, 2004, p. 344). Caspersen (2004) also makes reference to the Barry rule when assessing the responses to integrative measures, and with this particular case the integrative measure was largely rejected.

A similar style of voting is also in place for the process in electing candidates for the collective presidency. The Serb candidate is elected by voters from Republika Srpska, while the Croat and Bosniak candidates are elected by voters from the Federation (Karic, 2012, p. 73-74). In this case ethnicity does not matter as long as the voter is voting for a candidate from the same entity he/she is registered in. Thus, the Croats are once again concerned about candidate positions which have been established to ensure their representation be influenced by Bosniak votes. The Croat dissatisfaction with this integrative measure will further be discussed in the analysis of political elite behaviour.

Regarding the issue of consensus on a common political system, in 2011 the three sides were presented with proposals from Western actors, and all initial suggestions were rejected. As a result of the difficulty or reluctance to come to agreeable terms, a question is raised in "whether the preservation of a multinational state is feasible in a situation where the majority of its citizens belonging to two of the three constituent communities of that state only reluctantly acknowledge its legitimacy?" (Berg and Solvak, 2011, p. 462). An account of what each side seek for will now be given. The Bosniak elite are not in favour of the current structure of the state. At the dawn of independence they envisaged a unitary civic state for the country (Kasapovic, 2005, p. 11). Presently, most Bosniaks bid for the replacement of the DPA with a more centralized constitution, and subsequently their

support for nation and civic state building would see the abolishment of the RS (Berg and Solvak, 2011, p. 461). However, on the other hand, the Croats saw independent BiH as more of a federation or a confederation made up of its national groups. Thus, a fallout between the Croats and Bosniaks during the early stages of the war signified a withdrawal of the Croatian consent expressed in the 1992 referendum on BiH's independence. Consequently for the Bosniaks, the majority vote which was established in this referendum in favour of the state's establishment was lost, and, at this point, "the Bosniacs became a minority, both from the civic and national aspect" (Kasapovic, 2005, p. 11-12). Moreover, the Croats do not have the benefit of having their own entity or the institutional protection that is associated with it. The feeling is that their position is always being undermined within BiH (Caspersen, 2004, p. 576).

Regarding the majority of the Serb population of BiH the act of engaging in Bosnian state-building is not prevalent. In a 2004 survey it was shown that "45% of the population of RS accepted Bosnia as their own country, while 43% did not"(Berg and Solvak, 2011, p. 461). In addition, in BiH, the patterns of identification differ between the two entities. In a survey conducted by Berg and Solvak (2011) is illustrated that about 58% of the respondents from the RS identified with their own entity in BiH, while only 13% showed allegiance to the state of BiH. In addition, only about 25% of respondents from RS "gave a solid agreement of being known as 'Bosnian people', while 78.9% of FBiH residents seemed not to be troubled by this" (Berg and Solvak, 2011, p. 468-469). In addition, evaluations of regime performance based on satisfaction levels with the political regime, government, economy, education and health services shows that discontent is much higher in the FBiH than in RS. Therefore, the status of RS being practically a state within a state is something the majority of Serbs in RS are determined to preserve (Berg and Solvak, 2011, p. 474-475). The differences in opinion and interest amongst the diverging groups is very evident in the conduct within the political party system, as when in 2006, prior to the general elections, the SBiH and the SNSD were explicit with regards to nationalistic rhetoric. The SBiH is in favour of the centralization of BiH and calls for the abolishment of the RS, whereas the SNSD works towards the preservation of the status of the RS. Thus, for

every call for the abolishment of the RS met with a threat to hold a referendum for the secession of the RS from BiH (Goering, 2007, p. 171).

Tracking back to the comparison with Belgium, one way to improve the system in BiH is through a focus on the aspects of autonomy. In Belgium there is a long tradition of cultural autonomy and long before territorial autonomy was implemented cultural autonomy had been used as a conflict-solving tool. Since cultural autonomy is not based on territory it can offer rights to groups that happen to be spread out in isolated pockets and are otherwise not likely to achieve territorial autonomy. In addition, in areas that are more multiethnic cultural autonomy aids in the accommodation of communities, such as in Brussels. In the DPA cultural autonomy is neglected, and for the people who constitute a minority in particular regions are at a great disadvantage (Bieber, 1999, p. 91-92).

In Stroschein (2003) the importance of non-territorial autonomy for BiH is also stressed, and the potentiality of advocating this aspect of autonomy for BiH is examined. Once again, the analysis is based off of the Belgian case. Rarely is it the case that defined territories are demographically homogenous, and in these cases where minorities are more likely to be misrepresented and neglected is where non-territorial autonomy can possibly be of use. This form of autonomy is not based on geographic principle, but it still allows for minority groups to have self-administration over matters on culture, language, ethnicity and religion (Stroschein, 2003, p. 10). In Belgium the territorial units of Flanders, Wallonia and Brussels have jurisdiction over affairs that concern their respective territory, for instance over policies on the economy and transportation. On the other hand, the non-territorial units, based on the three linguistic communities (Francophones, the Flemings and Germans), make decisions on educational and linguistic matters (Stroschein, 2003, p. 12). In Belgium, "because the Francophone and Flemish communities are founded on a personal, rather than a geographic, principle, they can therefore administer linguistic and educational matters for their respective populations within the Brussels region without dividing up its territory" (Stroschein, 2003, p. 13). At first the influence of the Flemish and French communities outside of their own territories was limited to just Brussels, but after an agreement in 2001 the Francophone community attained extended powers within the Flanders region over matters concerning the French-speaking community, and in Brussels

the Flemings gained increased representation in the council (Stroschein, 2003, p. 13). Furthermore, an example of how non-territorial autonomy can be utilized in BiH is: if within a specific canton there are not enough Serbs to elect a cantonal representative they will be left without a voice in the FBiH, but if there was an implementation of a non-territorial unit the problem could be addressed more effectively. Hence, non-territorial units give a voice to isolated minorities where they can be easily overrun by the majority (Stroschein, 2003, p. 19-20).



## **Section 4: Methodology**

### **4.1 Methodology**

The argument pursued in this thesis is that the political environment in BiH is fit for consociational elements, and instead of deviating away from the use of consociational elements there should be an encouragement to improve them. The study is largely a follow up on the conclusions which Caspersen reached regarding the trends on the political environment of BiH through the use of the methods pertaining to voting patterns, political elite behaviour and workings of the institutions. Thus, the aim of a current study is to assess how the trends in the political environment in BiH have fared since Caspersen's study in order to reach recommendations on whether or not to support consociational elements and their improvement in BiH. The research questions are: how have these trends, regarding the political environment, based on the contentions of the consociational and integrative models, fared since the study was last conducted and what can this tell us about the prospects of the further utilization of consociational elements in the power-sharing system of BiH? The questions will be explored through the contentions pertaining to each of the models. Hence, pursuing the contentions pertaining to the two models about voting patterns, political elite behaviour, and workings of institutions will give insight on the political environment in BiH and if it is fit for consociational democracy.

The methods and how they are used in this study will now be portrayed. As Caspersen did, the gathering of data is done through an assessment of election results, observations of coalition building and compliance with power-sharing arrangements by politicians, and the workings of the Parliament. The first part of the analysis will consist of mapping out the voting patterns in order to assess, in general, the support for nationalist political parties, and also to see in which municipalities voting for more nationalist political parties occurs. The question being raised is: "do the extreme nationalist parties have more support in ethnically homogenous or heterogeneous municipalities?" (Caspersen, 2004, p. 574). This question is raised because the consociational model argues that heterogeneous units will foster greater extremism, while the integrative model believes the opposite to be

true (i.e., moderation and inter-ethnic cooperation will be fostered in heterogeneous units) (Caspersen, 2004, p. 574). Mapping out the support for nationalist political parties will provide us with insight on which of the two seems to be the trend in BiH presently. Thus, if the consociational contention holds true then it strengthens the case that the environment is fit for consociational elements.

However, foremost, it is necessary to establish which political parties are to be labelled as nationalist. The labelling of a political party as nationalist is analyzed through party history, rhetoric, association, and, in general, seeing if there is appeal for the inclusion of all groups of the plural society, or if the party appeal is exclusionary. The political parties which Caspersen used were: SDA, SDS, SRS RS, and HDZ BiH. The SDA, SDS, SRS and HDZ were the wartime parties and are labelled as more nationalist since they have been the least willing to cooperate and accept inter-ethnic accommodation (Caspersen, 2004, p. 574). In this current study the following political parties will also be added towards calculating for the nationalist voting share: SNSD, HDZ 1990, SRS-VS, Croatian Christian Democratic Union (HKDU), and the Croat 'Demochristians' (HD). Thus, why these political parties are also labelled as nationalist will be further covered in the analysis section of the thesis. In addition, in whichever municipalities these parties identified as nationalist happen to be in a coalition with other parties it is still coded as a vote for nationalist support.

In this study the 2004, 2006, 2008, 2010 and 2012 elections are used to gauge the support for the nationalist voting share, and then the municipal elections of 2004, 2008 and 2012 are used to compare heterogeneous and homogenous municipalities. Election results are found on the Central Election Commission's website ([www.izbori.ba](http://www.izbori.ba)). Thus, the study will be over the period of 2004-2012. Since Caspersen's study was published in 2004, the 2004 elections were not covered. The 2004 elections then marks the start period of the study and the 2012 elections, the most recent ones, mark the end period of the study. However, the latest news reports from 2013 for political elite behaviour are also made use of.

The last part for the analysis of voting patterns is to distinguish between the heterogeneous and homogenous municipalities. Caspersen notes that a population census

would have been used to identify the municipalities as either heterogeneous or homogenous, but at the time of her study the last census was conducted in 1991 and this still happens to be the case today. The 1991 census cannot be used as it does not reflect the postwar circumstances regarding ethnic compositions of the municipalities, and with no up-to-date census there is a need to estimate the composition of the municipalities. Thus, the voting patterns themselves were used to identify the municipalities. Hence, voting in BiH happens predominantly along ethnic lines, and since most political parties are nationalist orientated a calculation of the voting shares can be used to estimate the composition of a municipality (Caspersen, 2004, p. 577; 586). The label the several parties are assigned will be used to gauge the ethnicities which comprise particular municipalities. She defined heterogeneous municipalities as those in which the largest ethnic group makes up less than 66% of the voting share (Caspersen, 2004, p. 577). The same procedure to identify heterogeneous municipalities is used in this study. The label a political party is given will consist of the ethnic group they represent. Even the more moderate parties are identified with representing a particular ethnic group when assessing whether or not a municipality is heterogeneous.

The second part of the analysis consists of the political elite behaviour. Political elite behaviour is assessed through their willingness and ability to engage in inter-ethnic cooperation. Political elite behaviour is indicated by the level of compliance with power-sharing arrangements and whether or not there was acceptance or rejection of their requirements. Caspersen used an OSCE report on BiH, which was observed and referenced by a secondary source, in order to observe the compliance with power-sharing arrangements. In this current study OSCE reports are also used for the observation of political elite behaviour, but so too are reports from Freedom House and the International Crisis Group, OHR statements, news reports, and journal articles. A OSCE report covering the 2012 elections has not been published and for the 2008 elections only an assessment prior to the elections was published, thus there is a reliance on sources other than the OSCE. As no integrative institutions are assessed in this study, the contention of the consociational model pertaining to integrative institutions is assessed in this section of the analysis. In this study the consociational contention that integrative institutions will not be

welcomed and will face difficulties in getting established is extended to include integrative measures in general, as is also the case in Caspersen's study (Caspersen, 2004, p. 575). Another contention which is observed in this part of the analysis is the one pertaining to the integrative model where it foresees that in heterogeneous municipalities elected politicians will show an ability to engage in inter-ethnic cooperation. The case studies concerning political elite behaviour which will be depicted and which will be used to assess the contentions just mentioned above are: controversy over the Srebrenica election law, deadlock in Mostar electoral procedures, controversy over ministerial positions following the 2010 general elections, and elections in multi-ethnic Brcko district. Throughout the period between 2004-2012 these cases make up the instances of reluctance to comply with power-sharing arrangements.

Another indicator for political elite behaviour is the observation of the attempts in coalition building with parties representative of other ethnic groups. With regards to consociational elements, when assessing political elite behaviour, what is to be focused on is how the elite from diverging groups cooperate with one another, as the theory of consociationalism states that the political leaders from diverging groups will come together in order to avoid dangers posed by a society divided along hostile subcultures, however, that is when they become aware of such dangers (Lijphart, 1969, p. 211-212). Nonetheless, coalitions were attempted and formed at the time of the 2006 and 2010 general elections, and also due to complications of forming a government another coalition was formed in 2012. Thus, these are the coalitions which are assessed.

The final part of the analysis which will be conducted in this study deals with the workings of the Parliament. For an assessment of the consociational institutions Caspersen focused on the Parliament and the levels of agreement on legislation. Likewise, in this section of the analysis only the Parliament will be examined. In addition, the integrative model's contention that the consociational institutions will be faced by ineffectiveness and deadlock will be assessed in this section of the analysis. Taken into consideration here is the level of agreement on legislation, and subsequently the amount of laws passed. A study has already been conducted analysing the Parliament for the period of 2006-2010. Thus, the findings from Bahtic-Kunrath (2011) will be extracted and analyzed. In addition, a more

recent analysis on the Parliament stemming from 2010 will also be completed. Any laws since 2010 which have been passed or rejected can be found on the Parliamentary Assembly's web page (<https://www.parlament.ba/>). The focus will be on how many laws were passed each year and to emphasize those of more importance. There are some laws which are more important than others, such as those which concern EU integration. If there is an increase in the amount of laws passed from year to year and if there is consensus on laws of importance then it can be said that the consociational institution is improving. However, if the trends show otherwise and favour the contention pertaining to the integrative model then it weakens the case for further utilization of consociational elements in BiH.

One weakness of this study is that the workings of integrative institutions along with responses to refugee returns are not assessed. Thus, this study does not track the trends covered in Caspersen's study in full. It may very well be the case that by covering these aspects of integrative elements the study would produce a better perspective on the debate between the two approaches and on changes in the balance between the two approaches in BiH. Nevertheless, this study still ensures that all contentions pertaining to the two models are analyzed. Even though in this study integrative institutions are not analyzed, integrative measures are. As mentioned above the consociational contention that integrative institutions will not be accepted and their establishment will face difficulties is analyzed in the analysis section dedicated to political elite behaviour, as electoral procedures resembling those advocated by the integrative approach are depicted in the case studies portrayed there.

Another weakness is the missing up-to-date population census, but, as has been pointed out above, the 1991 census is the most recent one and is not useful for this study as the composition of many municipalities has changed since that year. The estimating method from Caspersen's study to identify municipalities as either heterogeneous or homogenous will thus be used. It is still valid as a case can be made for that voting still happens along ethnic lines. The up-to-date census was scheduled for April of 2013, but has been postponed to October of 2013. One more aspect which should be cleared up here is: why it is important to assess voting patterns when it is already known that voting happens along

ethnic lines? The reason it is still important to evaluate is to see in which municipalities the voting is more moderate leaning and in which it is nationalist leaning. This is the case because if nationalist voting is more predominant in heterogeneous units then this is an indication of a further need for consociational elements in power-sharing, however, if the opposite proves to be the trend then it is an indication that such units could be ready for a more integrative approach.

One other weakness is that only one consociational institution is used to assess the workings of consociational institutions (i.e., the Parliament). Two other quite significant consociational institutions in BiH are the three-person Presidency and the Council of Ministers. It is quite difficult, though, to formulate how to measure the effectiveness of these two other consociational institutions. Nonetheless, Caspersen herself only focused on the Parliament and its functions to assess the workings of consociational institutions and her study produced noteworthy conclusions. Also, by doing an analysis on the Parliament and the legislative processes, the provisions on the veto for the vital national interests are also examined, which are an essential part of consociational power-sharing.

## **Section 5: Analysis**

### **5.1 Voting Patterns**

The first order of analysis is to track for the trend concerning voting patterns for the share in nationalist party support across all five elections since, and including, the 2004 elections, and also for the heterogeneous and homogenous municipalities through the analysis of the 2004, 2008 and 2012 municipal elections. Consistent with Caspersen (2004), the wartime political parties are used towards the nationalist voting share, which, once again, are: SDA, HDZ, SDS and SRS. Other political parties of BiH which count towards the nationalist voting share are: SNSD, SRS-VS, HDZ 1990, HKDU, HD, and the HSP BiH. Even though most of the nationalist support was still attained by the wartime parties, the exception being the SNSD, it is still important to mention these other political parties which were used in this study towards the nationalist voting share but not in Caspersen's. The SNSD is especially noteworthy because they have overtaken the SDS as the predominant political party in the RS. The HDZ 1990 and the HSP BiH, though are not the biggest of the parties, still garnered an okay amount of support, but the rest of these smaller parties were only significant in a particular few municipalities.

First, the parties which had the words radical were identified as extreme and nationalist. In addition, the parties whose names expressed non-secularism (i.e., advocating a particular religion) were also identified as extreme and nationalist. The SRS-VS, as its name suggests, is one of the Serbian radical parties, the other being the wartime SRS RS. Both of these parties are active in BiH, but mainly in the RS. The SRS in Serbia is led by Vojislav Seselj. Thus, the reference to Vojislav Seselj by the SRS-VS also contributes to as to why the support for this party counted towards the nationalist voting share. Furthermore, the parties whose names expressed non-secularism are the HKDU and HD and therefore the support for them contributed towards the nationalist voting share. Both political parties refer to associating with being Croatian and Christian, and since Croatians are predominantly Catholic one can assume it is exclusionary to other faiths and to even other nationalities of BiH.

The support for HDZ 1990 was coded as support towards the nationalist voting share, since the split within the HDZ of BiH was not due to reasons of ideology, as it was due to disputes over ministerial positions (Goering, 2007, p. 173-174). The HSP BiH was mentioned by Caspersen as a nationalist party, but at the time of her study the support for this party was negligible and was not included for the nationalist voting share (Caspersen, 2004, p. 586). In this current study, though, the support for the HSP BiH is coded as nationalist. Its ideals are tracked back to Ante Starcevic, as referred to on their web page, who was one of the founders of the HSP (Povijest, 2011). However, Ante Starcevic is also referred to as the "father" of pure Croatian nationalism" (Ognyanova, 2000, p. 8), thus the support for the HSP BiH is coded as nationalist. The final party to be listed as a nationalist political party is the Serb dominated SNSD. It is led by the political figure Milorad Dodik who is also the president of the RS. However when this party was emerging it was identified as being moderate by the international community and praised as a party which could overtake the dominance of the radical SDS (Eralp, 2012, p. 21). In addition, in 2000 Dodik was described by Madeline Albright as a "champion of the international community" (Bjelajac, 2012). This explains as to why the SNSD was not identified as a nationalist political party in Caspersen's study. However, since then the political rhetoric of the SNSD has changed drastically. The SNSD has been suspended from the Socialist International for reasons of nationalism and its extremist positions (Bieber, 2011). Also, this new political rhetoric utilized by Dodik and the SNSD has even been regarded as more nationalist than that of the SDS politicians (Eralp, 2012, p. 21).

Further on, in order to distinguish between the heterogeneous and homogenous municipalities it is required to identify the political parties attaining votes in particular municipalities as being representative of one of the ethnic groups. For the nationalist parties it is quite clear as to which ethnic group they represent, but other parties not identified as nationalist had to be associated with a particular ethnic group as well, such as the SBiH and the SDP, along with many others. Nevertheless, Caspersen, in her study mentioned that the SDP, though, has multi-ethnic appeal, "its appeal beyond Bosniac voters is assessed to be limited, and it was therefore coded as Bosniak" (Caspersen, 2004, p. 586). The case can similarly be made today as well, as was alluded to in the section describing the political



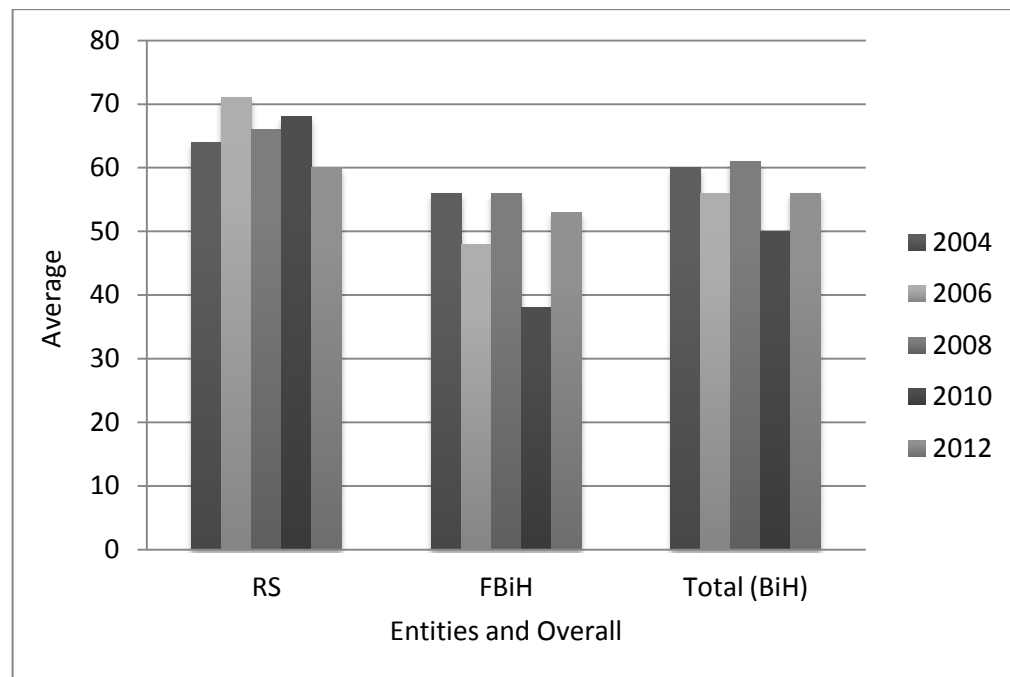
parties. Another political party which is worth noting is the SBiH, which was alluded to being moderate by Caspersen (2004, p. 586), and was coded as moderate and Bosniak in this current study.

The findings regarding voting patterns will now be addressed along with a comparison to those of Caspersen's study. Caspersen concluded, in general, that there was a decline in the support for nationalist parties, and that these results indicated a moderation in public attitudes. In both the RS and FBiH votes for nationalist support were marked slightly below 50% in the 2000 and 2002 elections. In addition, nationalist support was actually slightly higher in the FBiH compared to the RS in the 1996, 1998, and 2002 elections (Caspersen, 2004, p. 575-576). However, at the outset of this current study there was curiosity as to see if such trends continued since the 2002 elections, especially concerning the RS.

The election results from 2004 to 2012 in Figure 1, on the next page, show that the nationalist voting share for the whole country of BiH is on average above the 50% mark or placed right on it for each election assessed. Also, the nationalist voting share tends to be noticeably higher in the RS compared to the FBiH. The most significant occurrence to be noted is the decline in the nationalist support in the 2010 general elections for the FBiH. This is explained by the tremendous success the SDP garnered for these particular elections which diverted support away, it seems, from mainly the SDA. Hence, the SDA obtained its worst results in its political history during these elections (Karic, 2012, p. 83). This signifies a hint that the Bosniak electorate was becoming more moderate in its approach, however, in the following elections there is almost a full reversal of this trend as nationalist support in the FBiH nearly recovers back to its 2008 level. Besides this, in the 2010 elections there is a recorded increase for nationalist support in the RS, and also interesting is the decrease in support for nationalist parties in the RS for the 2012 elections, meanwhile an increase is recorded for the FBiH for the same elections, as just was mentioned. So another indication to be made is that it seems that the support for nationalist parties within the two entities varies and for the most part is not in unison. The support for nationalist political parties fluctuates from election to election and thus it is not convincing that public attitudes are shifting towards moderation as Caspersen concluded. In addition, the voting

share for nationalist support is still higher than that of which was recorded by Caspersen (2004) for the elections in 2000 and 2002.

Figure 1. Nationalist Party Support in BiH



Source: Official election results from <http://www.izbori.ba/>

Furthermore, with regards to the municipal elections and the trends concerning heterogeneous and homogenous municipalities Caspersen (2004) concluded that in electorally heterogeneous municipalities it was found that the nationalist vote was higher than in homogenous municipalities, and this was the case in both of the phases of her study. In the 1997 elections 31 municipalities out of 135 were identified as electorally heterogeneous and in 2000 12 of 146 were labelled as such. In the 1997 municipal elections the average nationalist voting share for the heterogeneous municipalities was 85%, while in the homogenous municipalities for the same elections it was 73%. Then for the municipal elections in 2000 the average nationalist voting share for the heterogeneous municipalities was 62%, while in the homogenous elections it was 51%. Therefore, Caspersen (2004)

concluded that in electorally heterogeneous municipalities it was found that the nationalist vote was higher than in homogenous municipalities in both of the phases of her study. She further added that since there was a significant decrease in nationalist support in heterogeneous municipalities it may indicate that moderation may develop faster in residentially heterogeneous areas (Caspersen, 2004, p. 577). Still, though, there was also a significant decrease for the homogenous municipalities in her findings as well.

Nevertheless, in Table 2 below the results of this current study can be found. Table 2 portrays the trends for the average nationalist voting share for heterogeneous and homogenous municipalities for the municipal elections of 2004, 2008 and 2012. Like in Caspersen's findings, the case is still one where the nationalist voting share is higher in heterogeneous municipalities than in homogenous ones. However, there are no real significant shifts from election to election to be noted from the findings shown in Table 2 concerning nationalist party support, as the support only shifts by one percentage point to a few percentage points. Nonetheless, in the 2004 elections the average nationalist voting share is 68% for heterogeneous municipalities, whereas it is 58% for the homogenous ones. Then in the 2008 elections the average nationalist voting share is 71% for heterogeneous municipalities and 59% for homogenous ones. Finally, for the 2012 elections the average nationalist voting share is 67% for heterogeneous municipalities compared with 54% for homogenous ones. Thus, there is a marginal decrease in nationalist voting share for both the heterogeneous and homogenous municipalities from the 2004 to the 2012 elections, but the averages are still higher than those recorded by Caspersen for the 2000 elections. The trends are very much similar for both heterogeneous and homogenous municipalities over the course of these elections. For both of the municipal categories there was a slight increase in the nationalist voting share in 2004 compared to the 2000 findings by Caspersen (2004), then an increase again is recorded for the both of them in the 2008 elections compared to the previous ones, and finally a decrease is noted for the both of them in the 2012 elections in comparison to the 2008 elections. These results show that the moderation is not quite developing faster in heterogeneous municipalities, as Caspersen (2004) alluded may happen.

Table 2. Nationalist Voting Share in Heterogeneous and Homogenous Municipalities

Year	Heterogeneous	Homogenous
2004	68% (19)	58% (122)
2008	71% (15)	59% (127)
2012	67% (17)	54% (124)

Number of municipalities shown in the brackets

Nationalist Voting Share as Average (%)

Source: Official election results from <http://www.izbori.ba/>

The main purpose of assessing these municipal elections since Caspersen's study was in order to pan out in which municipalities voting for more nationalist political parties occurs. The dilemma is that the consociational model argues that heterogeneous units will foster greater extremism, while the integrative model believes the opposite to be true (i.e., moderation and inter-ethnic cooperation will be fostered in heterogeneous units) (Caspersen, 2004, p. 574). The answer to the question of where extreme nationalist political parties have more support in, heterogeneous or homogenous municipalities, is that they have more support in heterogeneous municipalities. The findings are more in line with the contentions of the consociational model. Therefore, since the nationalist voting share is still higher in heterogeneous municipalities than in homogenous ones, and because the finding do not suggest a change in this trend, then the implication is that the political environment in BiH is more fit for consociational elements.

Moreover, one interesting finding is that there were several instances where parties representing the same ethnic group formed coalitions in particular municipalities where their group was marginalized. For instance, in the 2008 elections this phenomenon was noted in at least 13 homogenous municipalities. The aim of such an act seems to be to attain as much representation as possible in said municipalities for their own group for the intention of defending the group's status. This indicates that political parties are still national in their approach, and this applies for even those parties which were not identified as nationalist. The support for such coalitions and parties further suggests that the electorate

are still more inclined to vie for the sole interest of their own group rather than engage in mending the differences by giving their support to platforms of multi-ethnic appeal.

Here provided are a few clarifications regarding Table 2. 141 municipalities were recorded for the 2004 elections, 142 for the 2008 elections and 141 for the 2012 elections. In the 2004 elections data was missing for the municipality of Zvornik. There were suspicions of election rigging in Zvornik and repeat elections were held (OSCE, 2005, p. 21). Voting eventually did take place for this municipality in 2004, however, election results were not to be found for Zvornik in the files provided by the Central Election Commission of BiH. Thus 141 municipalities are recorded for the 2004 municipal elections. In 2012 voting did not take place in the municipality of Mostar, which explains as to why 141 municipalities are recorded for that year. Also, there is fluctuation in the number of heterogeneous municipalities coded, but it is minimal, and can be attributed to a few different reasons. The threshold for identifying a municipality is 66%, so if the largest ethnic group makes up less than 66% of the voting share the municipality was coded as heterogeneous. For some municipalities the voting share of the largest group was close to the threshold. Thus, if enough people of the largest ethnic group moved away or returned to particular municipally it could have swayed the voting share, and/or simply that the voter turnout for the largest ethnic group increased or decreased thus influencing their voting share.

## 5.2 Political Elite Behaviour

Mostar portrays a case of a heterogeneous municipality that is in a political deadlock. The 2012 municipal elections were not held in Mostar as there were disagreements over the electoral law and potential changes, and thus the municipality as a whole did not meet the requirements necessary to hold elections. The political situation regarding the electoral process was not always this tense in Mostar. In 2004 the elections were held under new provisions where the city of Mostar was unified. A proportional system was utilized which managed for minimum and maximum representation for the three constituent peoples and others. In addition, the mayor was elected indirectly. This special electoral system ensured a political balance between the diverging groups (OSCE, 2005, p. 3; 6). It is a complex system, though. The six districts of the city vary greatly in the size of their population, but even so the same amount of councillors are elected from each district. Also, it is clear that one constituent people in Mostar are more populous than the others. Thus, "the substantially differing weight, or value, of each citizen's vote contravenes commitments regarding the equality of the vote" (OSCE, 2005, p. 6). In Mostar, then, the system generates circumstances of disproportionate representation. Nonetheless, this system seemed to have been generally accepted in 2004 by the principal political parties (OSCE, 2005, p. 6). In addition, in Mostar the 2008 elections were once again to be held under a special procedure along the same guidelines to those used in 2004 (OSCE, 2008, p. 5).

However, now, for the 2012 elections the issue of disproportionate representation has been raised and there is a need to reform the electoral law. The issue is that the Bosniaks are outnumbered electorally by the Croats. It is noted that Croats have 12,000 more voters, and there is fear of being outvoted (Alic, 2012). This number is only an estimate since no population census has been conducted since 1991. The two largest political parties of Mostar are the HDZ and the SDA, and these two sides have not been able to come to an agreement as of yet. At the end of January of 2013 a meeting was called by the OHR to discuss the issue but representatives of the SDA did not attend, as they claim that the proposals which they have suggested have not been respected in earlier

meetings. In short, the SDA would like a system where Mostar would be organized in such a way where Bosniaks would have the same influence as the Croats, but the HDZ support a system where Mostar is organized as a single municipality and in which the weight of the vote is equal (Jukic, 2013).

In Srebrenica there were also special provisions in place for the municipal elections in 2008, but then changes were implemented for the 2012 elections. Prior to the 2012 elections citizens which were residents of Srebrenica in 1991 but lived elsewhere could still participate in the municipal elections in Srebrenica if they chose not to vote in their current place of residency (OSCE, 2008, p. 4). These specific registration rules for Srebrenica favoured the Bosniak community there, which before the war represented a majority, but now after the war it is estimated that they are the minority group and the Serbs the majority. The mayor in Srebrenica has always been a Bosniak since the war ended, and this consistency has been influenced by the electoral law (Huseinovic and Arbutina, 2012). Therefore, the Bosniak elite were against a change in the electoral law. On the other hand, Srebrenica is part of the RS entity, and thus the political elite of the RS were opposed to the earlier electoral system, and brought up the point that the electoral law should not be any different in Srebrenica compared to other municipalities. In addition, the political parties representing the Serbian populous banded together to support one candidate for mayor (Ristic, 2012). Also, when changes to the electoral law were announced the political elite and the parties representative of the Bosniaks came to together to support their own candidate, and the mayor elected was once again a Bosniak (Jukic, 2012b).

The Brcko District is one more case of a heterogeneous unit, which is plagued by electoral troubles and ethnic divisions. After both the 2004 and 2008 municipal elections it took many months to form a government in Brcko. In this same report it is mentioned that similar difficulties await Brcko in the 2012 elections (International Crisis Group, 2011, p. 3). The year of 2011 was most troubling for Brcko, as it was hit hard by corruption. The International Supervisor for Brcko, Roderick Moore, described the situation as "perhaps the worst political crisis in the District since its establishment" (OHR, 2011). For nine months in that year Brcko was consumed by a crisis involving the mayor who was reluctant to comply with a ruling demanding his resignation. The government and assembly were

stalled to a great extent, as there was no consensus between the SNSD, HDZ, and SDP, the main political parties of Brcko, over the removal of the then mayor. The mayor was from the SNSD and was replaced by another member from the SNSD at the time of his eventual resignation. However, after this nine month debacle an anti-corruption campaign was led against the mayor who resigned and against other officials (International Crisis Group, 2011, p. 4-5). Moreover, the development of multiethnic schools, neighbourhoods, and institutions has been praised by the international community. In addition, the international community's confidence in the capacity of the local institutions was enough, it seems, to make a crucial decision in suspending Supervision in the district (OHR, 2012).

The controversy over ministerial positions following the 2010 general elections portrays a case of lack of inter-ethnic cooperation beyond the municipal level. This controversy affected the stability of governance in the FBiH and in the whole of BiH, as no central government was formed for about a 14 month period following the 2010 general elections (Freedom House, 2012). One aspect of this crisis is very much a repeat of the Barry Rule instance which was alluded to in the literature review section. Thus, the particular integrative measure in the election process of the Croat presidency seat is highly rejected by the Croats. In the 2006 and 2010 general elections Komsic of the SDP was elected for this position, but in Croat dominated regions of the FBiH the majority of the votes went to the HDZ candidate. The criticism then is that Komsic got elected on behalf of mainly Bosniak votes, and the majority of Croats do not perceive him as a representative of theirs (Karic, 2012, p. 80-81). Another aspect of the crisis was the dilemma over the approval of the new cabinet in the FBiH, which was challenged by the HDZ and the HDZ 1990. Key cabinet positions were of concern, but finally after about 14 months the HDZ was permitted to nominate candidates for the three of the four contested positions (Freedom House, 2012).

Caspersen concluded that the cooperation between the elites was not very high at the time of the particular elections she observed. First, "no inter-ethnic alliances between significant parties were formed before the elections" (Caspersen, 2004, p. 579). When observing coalition building for the elections since Caspersen's study a similar conclusion is reached. For this current study it too was found that no significant inter-ethnic coalitions



were formed prior the elections, and coalitions formed after the elections were not very functional. Following the 2006 general elections the coalition which formed the central government was not an effective one, mainly due to the lack of cooperation between the SNSD and SBiH (Goering, 2007, p. 173). The coalition which formed the government 14 months after the 2010 elections did comprise of parties from all three ethnicities, but it had to be rearranged in late 2012 due to disputes. The SDA is now left out, but the current ruling coalition is also comprised of parties representative of all three ethnic groups, as it consists of the SDS, SNSD, HDZ, HDZ 1990, SDP and the Union for a Better Future (SBB) (Jukic, 2012a). The SDP and the SBB being the parties representative of the Bosniak community.

Consociationalism states that the political leaders from diverging groups will come together in order to avoid dangers posed by a society divided along hostile subcultures, that is when they become aware of such dangers (Lijphart, 1969, p. 211-212). The analysis of coalition building portrays that this development is not occurring in BiH. However, this current ruling coalition is noteworthy because a new deal has been struck on a process for reforming aspects of the governance in BiH, work towards having legislation to be more in line with the EU, and to work out a solution so that institutional equality includes all peoples of the citizenry (B92, 2012). Thus, this could be an implication of the phenomenon professed by the consociational model starting to be realized in BiH. Though, this depends on how the terms of the deal develop until the next elections, and if anything actually gets done, as the reporting on the developments of this deal have been minimum since it was first announced.

Moreover, Caspersen, for the 2000 elections, gathered that there were no instances of failures in complying with power-sharing arrangements. Nonetheless, Caspersen also concluded that while cooperation was more widespread during the later part of the second phase of her study, "the incentives for mono-ethnic appeals were still stronger than incentives for multi-ethnicity" (Caspersen, 2004, p. 579-580). After the assessment of the case studies above and the voting patterns a similar conclusion is reached in this study in that opting for multi-ethnicity is not a priority right now. In the time frame of this study the only discrepancies with power-sharing arrangements which were found were analyzed

above in the four case studies. At first this low number of case studies may seem as not being significant, especially considering that there are 142 municipalities. However, the combination of these instances of discrepancies were considerable enough to greatly impact the stability of governance and the potential progress that could have been made, particularly if the duration of some of the conflicts is taken into account.

Furthermore, the main point being concluded concerning political elite behaviour is that the integrative measures were not welcomed. The consociational model's contention holds true here that integrative measures will not be welcomed and will face difficulties in getting established. In addition, the integrative model foresees that in heterogeneous units elected politicians will show willingness and ability to engage in inter-ethnic cooperation (Caspersen, 2004, p. 574). However, all the cases which had issues with power-sharing arrangements were heterogeneous ones. These findings once again suggest that the political environment is fit for consociational elements. In Mostar there is a choice between either the simple majority system, integrative in its nature, where the two principal parties compete on an equal basis ensuring one will have more influence than the other, or a system more consociational in its nature where each side is guaranteed equal representation. In this situation, the majority system is being outright rejected, whereas the other worked for the previous two municipal elections. Most likely Mostar should have an electoral law in line with the rest of the municipalities, but it is still clear that there is difficulty in accepting the integrative measure. Nobody enjoys having minority status and the fear of being outvoted, and that is why the Bosniak elite are advocating for a consociational solution for Mostar, even though, interestingly enough, these very same elite are more in favour of an integrative system on the national level. The case in Srebrenica was once again the fear of being outvoted. The Serbian and the Bosniak elite resorted to mono-ethnic appeals to garner as much representation. Even with the electoral law changes the community which was most worried by the change still attained success. Therefore, as is evident, it is still very much rewarding for parties to unite along national lines, and the diverging sides still vie for the option of seeking for group interests and group protection.

Brcko displays a mixture of the two models to conflict regulation with regards to its governing and electoral system. Although there are obstructions from election to election,

Brcko, up until recently, was regarded as one of the more successful cases of post-conflict development in BiH. Hence, often it had been observed that members from rival parties would cooperate while in the rest of BiH this conduct was scarce (International Crisis Group, 2011, p. 2). In addition, seeing as the international supervision of Brcko has been suspended and with no discrepancies recorded for the 2012 municipal elections, Brcko now has a chance to regain this earlier trait of being regarded as a type of success story in BiH. The suspension of international supervision is a very crucial development for Brcko. Whereas in Mostar international intervention is regarded as the only viable option left (Alic, 2012), in Brcko there is a move away from it. Despite the many problems still faced by the society there, this can be interpreted as a positive development as the Supervisor and his team will not intervene in Brcko's affairs, leaving the governance up to the local population and its officials (OHR, 2012). Therefore, with the case of Brcko it can be said that a mix of the approaches has the ability to promote stability. In some instances then, as Caspersen also examined, the two approaches are not incompatible (Caspersen, 2004, p. 570).

Finally, for the controversy concerning ministerial positions the resolution reached took much time, and in the end the problem concerning the process of electing the President for the Croat seat was not dealt with. Avoiding a repeat of such a crisis in the future is not quite ensured. The lack of satisfaction has enticed Croat calls for more autonomy. Hence, an NGO, Croatia Libertas, has sent draft changes to the constitution of BiH to the US Embassy in Sarajevo demanding for the establishment of Herzeg-Bosnia, the would-be Croat entity (B92, 2013). This particular Croat cause has support, from at least some of the caucus from the RS, as Dodik, in an interview, stated that BiH as a country has a future only if it realizes a third, Croat entity (Vecernji list, 2012). The trend seems to be that when integrative measures are advocated or pursued the side that feels disadvantaged responds abruptly, as is the case with the Croats in the FBiH, and as was the case in 2006 with the quarrel between the SBiH and the SNSD platforms when the calls for the abolition of the RS were met with threats of holding an independence referendum. The trend applies similarly to the Bosniaks in Mostar, and to a lesser degree in Srebrenica.

### **5.3 Consociational Institution (Parliament)**

The analysis of the Parliament of BiH, regarded as a consociational institution, can further help make the case to further utilize consociational elements in BiH, that is if the findings show that there have been improvements in its effectiveness since Caspersen's study. Caspersen (2004) concluded that there was improvement for the consociational institution in the second phase of her study. Hence, between 1998-2000 an average of 5 laws were passed per year, but then during the period between February 2001 and August 2002 close to 40 laws were passed. She emphasizes that new laws of importance were also passed. Also, moderate political parties along with the more nationalist ones were recorded as being willing to cooperate in passing laws of importance (Caspersen, 2004, p. 580-581).

In Bahtic-Kunrath (2011) trends for the Parliament were tracked for the term between 2006 and 2010. For this term it was depicted that only about 30% of all planned legislation was adopted, while the rest either failed to make it to the Parliament, or did not make it through the legislation process. In the end 168 laws were recorded as being passed during this term (Bahtic-Kunrath, 2011, p. 900; 908). In this study it was thus concluded that the procedure for legislating the necessary reforms for the European Partnership is largely undermined. This was due to the prevalence of ethnic interests and the presence of strong veto players, with the caucus from the RS obstructing the process more often than those from the FBiH (Bahtic-Kunrath, 2011, p. 909; 911-912; 914). With such conclusions made and findings presented it seems that the integrative model's contention holds true in this case that the consociational institutions will be faced by ineffectiveness and deadlock (Caspersen, 2004, p. 574).

In the same study it was also noted, though, that 42% of all laws passed were coded as EU laws (Bahtic-Kunrath, 2011, p. 909). This suggests that laws of importance are nonetheless being passed. Also, on the BiH Parliamentary web page it is recorded that 177 laws were passed for this given period (20.11.2006 - 29.11.2010) with the first law being passed in March of 2007 and the last in September of 2010 (Parlamentarna Skupstina, 2013). Although this does not differ much from what was recorded in Bahtic-Kunrath (2011), but still it is useful to note. In addition, for this same period between 2006 and 2010

there were 127 laws which were rejected in the legislation process with the first law being rejected in December of 2006 and the last law in November 2010. Thus, the legislation, then, that actually made it into the Parliament to be processed consisted of 304 laws where about 58% of them were adopted, and on average 44 laws were passed per year. This finding suggests that the Parliament was faring slightly better since the 18 month period that Caspersen (2004) observed between 2001 and 2002 where close to 40 laws were passed.

In the most recent period there is a downturn in the trend that once again gives relevance to the contention pertaining to the integrative model. This recent period that is covered is set from the 30<sup>th</sup> of November of 2010 up until the 20<sup>th</sup> of February of 2013, which is the date of the last law adopted thus far. There have been 37 laws adopted and 18 rejected, the last of which was rejected in May of 2012. Only 37 laws being adopted in this period of about two years and three months is a sign of ineffectiveness (Parlamentarna Skupstina, 2013). It should be noted, though, that during this recent period there was great instability in BiH during the period of October 2010 to the end of December 2011, which was due to a backlash to an integrative measure. During this period of great instability there were only 16 laws passed, and even after the government was formed in the end of 2011 there were problems with the then coalition throughout 2012, which further added to the instability until the coalition was rearranged. Much of the planned legislation is still left out, and one crucial legislation which is still pending is the *Sejdic and Finci v. Bosnia and Herzegovina*, which the European Court of Human Rights ruled on in the end of 2009. The claim is that "the Bosnian constitution's provisions with regard to the presidency, House of Peoples, and vital interest veto were discriminatory on the basis of race, religion and association with a national minority" (Human Rights Watch, 2012, p. 18).

The Parliament showed some improvement since Caspersen's conclusions, but for the most recent period it has worsened. However, on some important laws there has been consensus, such as with the population census, which was adopted at the end of January of 2013. The population census is set to take place in October of 2013 (Al Jazeera Balkans, 2013). This was one of the crucial setbacks for progress in BiH, as an up-to-date census is one of the necessary conditions for its process in applying for EU membership. Another

turn in events is the deal signed by the new governing coalition for furthering the reform process, as assessed in the analysis of political elite behaviour. In addition, now that there is a stable coalition it is likely that the process will pick up in the Parliament. Also, the deal on the reform process specified a need to improve on institutional equality, which implies a consideration of the Sejdic and Finci case.

## **Section 6: Conclusion**

This current study tracked the contentions pertaining to the two models of conflict regulation which apply to BiH, the consociational and integrative. Both models have contentions regarding voting patterns, political elite behaviour and workings of the institutions. Thus, the questions regarding this work are: how have these trends, regarding the political environment fared since the study was last conducted and what can this tell us about the prospects of the further utilization of consociational elements in the power-sharing system of BiH? The aim then, of the study, was to assess the trends in the political environment in order to reach recommendations on whether or not to support consociational elements and their improvement in BiH. It is argued here that the political environment in BiH is fit for consociational elements, and instead of deviating away from the use of consociational elements there should be an encouragement to improve them.

This study is largely based on Caspersen (2004) and the findings of this current study have been compared to the ones which were noted when her study was conducted. The following methods were utilized to assess the contentions and the subsequent trends of the political environment: observation of election results, assessment of compliance with the power-sharing arrangements and the nature of coalition building, and the workings of the Parliament. The point was to make sure all contentions pertaining to two models were assessed in order to be able to reach recommendations concerning the further utilization of consociational elements within BiH. Therefore, the argument relevant to this thesis would then be supported if trends favour the contentions pertaining to the consociational model and portray that the opposite is occurring to that of which the integrative model contends. However, if the trends held contrary to this then the claim of the argument would be weakened. Moreover, the study was conducted for the time period of 2004 and through to 2012, but has also covered some developments from the early stages of 2013.

Since the current system is deemed as being largely ineffective altercations are required. The measures prescribed by the two models of conflict regulation are both valid for BiH. Thus, both options are available for consideration when the reform process becomes more active. Nonetheless, in BiH, there is a push towards putting more of an

emphasis on integrative measures and pressures to introduce new integrative measures. Therefore, this study provides insight on the political environment in BiH, and if it is fit for consociational democracy, before a potential shift away from consociational elements occurs.

The analysis in this study portrays that the trends hold more true for the contentions pertaining to the consociational model. First, with the contentions regarding voting patterns, what the consociational model contends is that heterogeneous units will foster greater extremism. The findings on voting pattern trends show that the voting share for nationalist support is higher than that of which was recorded by Caspersen (2004) in the second phase of her study. In addition, the nationalist voting share is higher in heterogeneous municipalities than in homogenous ones, and there are no indications of changes in the trend to show otherwise. When assessing political elite behaviour the contentions which were analyzed were: the acceptance of integrative measures, as the consociational model contends that integrative measures will not be welcomed and will face difficulties in getting established, and also if in heterogeneous units elected politicians would show willingness and the ability to engage in inter-ethnic cooperation, as is foreseen by the integrative model. The findings here portray that all the cases which had issues with power-sharing arrangements were heterogeneous ones. Hence, the disruptions in the governing of BiH has highly been due to integrative measures as they are not being welcomed and are facing difficulties in getting established. In addition elected politicians were reluctant to engage in inter-ethnic cooperation in heterogeneous units.

Another contention which was assessed in the analysis of political elite behaviour is that the consociational model professes that leaders from diverging groups will come together in order to avoid dangers posed by a society divided along hostile subcultures, that is when they become aware of such dangers. This is one of the trends which seems to weaken the support for the consociational model's use in BiH as leaders from the diverging groups are not effectively forming coalitions to stabilize tensions. In the analysis of the consociational institution, the Parliament, the findings suggest that it is faced with ineffectiveness, as is contended by the integrative model.



Nevertheless, the recommendations reached in this study are to improve consociational elements already in place within the power-sharing structure of BiH. Improvements on the consociational elements would be able provide all sides with a level playing field and with guaranteed representation. When group status is more secure the diverging groups may be more inclined to support multi-ethnic appeal, and this applies for both the electorate and the political elite. It would seem more productive to keep the sides separated in their own spheres rather than encourage more integrative measures. In addition, the consociational elements may show signs of slow progress from time to time, but even with slow progress there are still signs of improvement, meanwhile with integrative measures there are full halts regarding progress and development. There are also new developments which show a turn in events for the two trends not favouring the consociational approach. One of these developments is that the new governing coalition has come to terms on a new deal concerning essential and long-awaited reforms. In BiH no political party is strong enough to form a government themselves and the need for coalition building is a given, and this process involves parties representative of different groups. In particular, this new ruling coalition has left out one of the largest Bosniak parties, the SDA, but still consists of the SDP and SBB. Thus, it will be interesting to see how processes will develop concerning this new deal with the SDA being in the opposition and subsequently disapproving of the deal made.

The other positive development regarding the consociational approach is that the progress in the Parliament seems to be improving as, recently, the legislation on conducting the population census, the first since 1991, was passed. Also, it is likely that it will continue to improve as a result of a stable ruling coalition. In addition, the Parliament itself is one example of where consociational elements can be improved. The veto provisions pertaining to the Parliament can be reformed in such a way where it would resemble how it is employed in the Presidency where each side is provided with an ethnic veto instead of a territorial one where Croats and Bosniaks, in a way, have to combine efforts to use the veto. It will further be interesting to see how the progress on the issue of the Sejdic and Finci case develops, as the implementation of the legislation concerning this case can improve the status of other minorities within BiH, as their rights and privileges would be more in

line with what the constituent peoples are entitled to. The developments in setting a date for conducting a population census and a potential implementation of the legislation concerning Sejdic and Finci may seem like small steps, but, regardless, passing laws which satisfy prospects of joining the EU is a sign that the quality of laws is improving. On one more note where the current system can become more effective along consociational elements is through the implementation of non-territorial autonomy so that minorities in isolated pockets would no longer be neglected. Thus, there are viable options available relating to the consociational approach, in improving the effectiveness of the current power-sharing arrangements, and rather than diverting away from consociational measures they should be pursued.

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