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Consociationalism in the post-Dayton  
Bosnia and Herzegovina

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## Abstract

*This paper outlines the theoretical underpinnings of the consociational power-sharing approach and its presence in the political system of the post-Dayton Bosnia and Herzegovina. The power-sharing framework used in this study provides insights into the theory of consociationalism as a power-sharing approach and tries to contribute to our understanding of the presence and relevance of this model to the Bosnian political system. The consociational framework emphasises the role of the political elites in providing the political stability and economic prosperity in the heterogeneous societies. It has four main features: grand coalition, proportional representation, segmental autonomy and mutual veto. The functioning and performance of this model depends, to a large extent, on factors that are conducive to elite cooperation. These factors are: population size, balance of power among segments, multiparty system, segmental isolation, nature of social cleavages, overarching loyalties and tradition of elite accommodation. This paper shows that all features of consociationalism exist in the post-Dayton Bosnian political system. However, grand coalitions are always made after the elections and mainly for the distribution of positions in the executive bodies of state apparatus and without any strategic platform and goals to be achieved and accounted for, agreed in advance. Proportionality has been mainly replaced with the parity-giving rise to imbalanced representation in state institutions. Segmental autonomy has been misconceived and veto power has been used to block all legislation beneficial to the state.*

*Keywords: power-sharing, consociationalism, political elites, Bosnia and Herzegovina.*

## Introduction

Classical theories of democracy noted that it is difficult and challenging task to found a stable democracy in heterogeneous and fragmented societies. It was assumed that societal homogeneity and political consensus were the basis of political stability and the success of democracy. On the other hand, sharp social divisions and wide political disagreements in plural societies were seen as causes of instability. However, some comparative politics scholars have challenged this notion and have tried to show that it may be difficult to set up a stable democracy in societies with wide social cleavages, *but* it is not impossible to achieve political stability in such societies through a proper elite accommodation and power-sharing mechanism. Hence, the new political discourse that took place in the late 1960s, put forth an argument which tried to plug a major gap in this debate, which had claimed that only conditions such as economic development, high literacy rate, civic political culture and homogenous societies lead to successful democ-

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racy. This new discourse was introduced by Arend Lijphart with his writings on the model of consociational power-sharing approach.

It has been more than half a century since the first article was published on consociationalism as a power-sharing approach, which is supposed to provide a political stability and economic development in heterogeneous societies. Since then, dozens of academic articles and books have been written on the theoretical foundation of consociationalism and its practical application and implications in many political systems all over the world.

The main goal of consociationalism has been to transform societies which have been polarized along social cleavages such as race, ethnicity, religion, language etc., It was hoped that consociationalism would especially societies that have come out from conflict, transforming them into the ones that might create conditions conducive for the normal functioning of the state apparatus that will be able to provide more political stability and economic prosperity.

Last year, the special winter issue of the Swiss Political Science Review was issued marking the occasion of the half a century on consociationalism. Eleven articles dedicated merely to the idea of consociationalism all over the world were included in this special issue. Figure 1. shows that the total of 346 articles on consociationalism have been published since 1975<sup>1</sup>. Although the idea of consociationalism was introduced into political science in the late 1960s, the figure shows that almost 80% of articles have been published since 2000 (Bogaards, etc, 2019). This indicates that political polarization has increased in the new millennium and hence the need for a model such as consociationalism that might be able to provide more stability to such political systems and divided societies. Some scholars have identified quite a significant number of countries that have practiced a model of consociationalism either fully or partially. Thus, from few cases of consociational countries in 1970s, Taylor (2009a) has identified 39 countries, while Dixon (2018) found 44 countries that have features of consociationalism in their political arrangements. It is noticeable that most of the articles written on consociationalism since 2000, have used Northern Ireland, Lebanon and Bosnia and Herzegovina as case studies.

<sup>1</sup> Unfortunately, the online data info does not exist before the year 1975 and hence some articles might have been omitted from this number.



Figure 1. An overview of Journal articles on Consociationalism over time, 1975-2018

Source: Taken from Bogaards, Helms and Lijphart, 2019.

The main aim of this paper is to present the theoretical underpinnings of consociationalism as a power-sharing approach and its presence in the political system of Bosnia and Herzegovina<sup>2</sup>.

## Consociationalism as a Power-Sharing Approach

Consociationalism has been described as government by elite cartel. Elites, therefore, form the backbone of such a political system. Studies of political elites were developed in the early twentieth century as an alternative to the Marxist emphasis on class and economic forces as the most important factors in any society. The classic texts of elitist thought are considered to be those by Vilfredo Pareto (1935), Gaetano Mosca (1939), and Robert Michels (1968). By the middle of the twentieth century, elite studies were further developed by scholars such as Lasswell and Lerner (1951), Wright Mills (1956) and Robert Dahl (1961). According to Lasswell (1936, 13), the study of politics is the study of influence and the influential... The influential are those who get the most of what there is to get... Those who get the most are *elite*; the rest are *mass*. Therefore, all societies - socialist or capitalist, agricultural or industrial, traditional or advanced, are governed by political elites. The central assumption of elitism is that all societies are divided into two classes: the few who govern and the many who are governed. This premise that all humanity can be divided into two groups-the elite and the mass- finds its elaboration in the writings of Pareto and Mosca.

Michels (1968, 15) stressed that elites not only exist but they are inevitable in any form of organisation. His study of the German Social Democrats led him to conclude that an “iron law of oligarchy” exists, which inevitably turns formal-

<sup>2</sup> Officially, the state is called Bosnia and Herzegovina. However, in English usage it is common to call it Bosnia and this term is used in this paper.

ly democratic organisations into undemocratic oligarchies. The elite approach, according to ‘Abdul Rashid Moten (2002, 13-14), has its roots among Muslim scholars such as Abu Nasr Muhammad al-Farabi (870-950), Abu al-Hasan al-Mawardi (972-1058) and Sayyid Abul A’la Mawdudi (1903-1979). Al-Farabi (1993, 77) states that:

There is someone who has more ability (*qudrah*) to deduce rules than others, while someone has more knowledge for effective guidance and teaching than others. Accordingly, those who have these abilities will lead those who lack them.

For Moten (2002, 13) those who can guide are known, in modern political science terminology, as the elite. Al-Mawardi, the Muslim jurist, talks about “the people of power and influence” who have the ability and authority “to make the choice” of those suitable for the Imamate. Furthermore, he mentions characteristics necessary for Imam, explains the conditions required for elections and qualifications of *ahl al-hall wa al-’aqd* (those who loosen and bind-أهل الحل والعقد) to elect the *imam*. Sayyid Abul ‘Ala Mawdudi believed that the essence of politics is to be determined by the nature and behaviour of political elites. According to Mawdudi (1984, 77),

...factors which determine human advance or decline depend largely on the nature and the role of those who exercise control over the sources of power and direct the affairs of society... human civilization travels in the direction determined by the people who control the centres of power.

Thus, although Islam teaches that Sovereignty belongs only to almighty God and His messenger (S.A.W.) and that all people are equal before their Creator, still the Qur’an itself orders its followers to obey almighty God, the Messenger and those who are in authority among you (*ulu-l-amri minkum*-أولو الأمر منكم) who are usually a small minority of the people.

Bosnia’s political system and power structures are based on the provisions of Annex 4 (“Constitution of Bosnia and Herzegovina”) of the Dayton Peace Agreement (DPA), which according to the former High Representative (HR), late Paddy Ashdown, was a superb agreement to end a war but a very bad agreement to make a state (Ashdown, 2005). These constitutional arrangements set up a new arena for the elites to run their mutual relations in such a way that the dialogue between fighting parties has shifted from a battle-field into the legislative and executive branches of the government, which in the Bosnian context are found in the Parliamentary Assembly, the Presidency and the Council of Ministers.

### 1.1. *Consociationalism and its Features*

Political elites also hold power in Bosnia and make all of the important decisions. Bosnia’s political system, which resulted from the DPA, is based on the premises of consociationalism: grand coalition, proportional representation, seg-

mental autonomy and mutual veto. Consociational theory is primarily associated with Arend Lijphart (1968) whose works on the politics of accommodation are considered as milestones in the development of consociational democracy. There were others who preceded Lijphart, including Robert Dahl (1966), Val R. Lorwin and Frederick C. Engelmann (1966). Together, these works contain most of the principal elements of consociational theory.

According to Lijphart, Lewis W. A. (1965) should be regarded as the first modern scholar to have analysed the consociational model. Lewis *invented* the consociational model: he deduced it from what he saw as the basic needs of deeply divided societies, but did not cite any empirical examples of consociationalism. According to Lijphart (1977, 31-41), consociational democracy has the following four characteristics:

1. Government by a *grand coalition* of the political leaders of all significant segments of the plural society. This means that the government includes representatives from all relevant groups in society in the form either of a *great coalition* among the main parties, or of *all-party government*, or of temporary *round tables*. In each case it will be decisive to secure “the participation by the leaders of all significant segments.”
2. The *mutual veto* which serves as an additional protection of vital minority interests. This means that each group has the opportunity to block political decisions by using its veto rights. The primary aim of this is to foster consensus-building and the search for compromise. The right to veto can apply unrestrictedly to all decisions (absolute veto), it can be conditional and just refer to some basic laws, or it can just have a delaying effect in order to renegotiate disputed issues.
3. *Proportionality*, which serves as the principal standard of political representation, civil service appointments and the allocation of public funds. All groups or segments are adequately represented in the executive, the legislative, the legal system and the public service. This can be assured through a quota system according to the size of the groups, the number of voters or a fixed ratio. In some cases, such as Bosnia, parity would be an option. Thus, Bosnia’s Presidency, the Parliament (upper house), Council of Ministers and Constitutional Court contain an equal number of representatives from each ethnic group. Often, smaller groups are significantly over-represented to such an extent that they reach a level of equality with the majority or the largest group.
4. A high degree of *autonomy* for each segment to run its own internal affairs. Here, each group enjoys some degree of self-government; it maintains its own elected bodies, institutions and competencies. Therefore, few issues only have to be coordinated with other segments of the society. Usually,

this is organised on the basis of territorial arrangements. It implies that consociationalism will coincide with a federal-type structure that is characterised by “a society in which each segment is territorially concentrated and separated from the other segments, or, to put it differently, a society in which the segmental cleavages coincide with regional cleavages.”

### 1.2. *Behaviour of Political Elites*

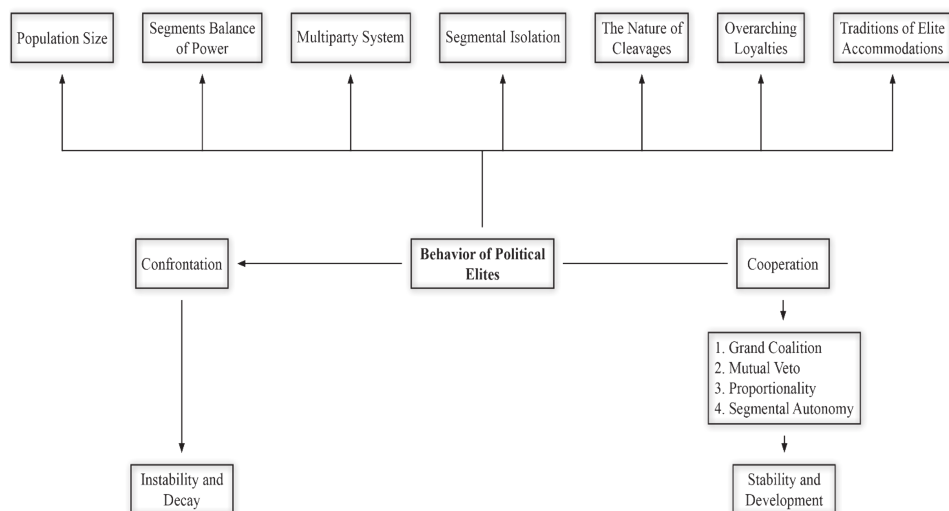
In consociationalism, the behaviour of political elites constitutes an important variable, both in the outbreak of conflict and in attempts to find solutions. The elites operate in structures of constraint and opportunity. Nordlinger (1972, 4) argued that: “Successful or unsuccessful regulation of ethnic conflict will be largely dependent on the purposeful behaviour of political elites.” The actions of elites are decisive in whether a conflict will continue or whether it is possible to reach some form of compromise. The elites are, however, not only important for the success or failure of conflict regulation, they may in turn have played an important role in the outbreak of conflict. As Reilly (2001, 177) argues, there is increasing evidence from many regions of “elite initiated conflict”. Therefore, elites cannot necessarily be assumed to be more moderate than their followers (Horowitz, 1985), and their interests in the conflict are likely to shape its development. Even if conflicts were initially elite initiated this does not mean that elites are unconstrained in their actions and their ability to compromise: they can be constrained by their followers, by competing elites within their own ethnic group as well as by the interplay with the elites of the opposing ethnic group(s) (Caspersen, 2003).

Theories on the timing of conflict regulation are, not surprisingly, mostly focused on the relations *between* the groups in the conflict. They focus on concepts such as the “ripe moment”, “mutually hurting stalemate”, and “security dilemma” (Zartman, 1996 and Barry 1993). The key to bringing a conflict to an end, according to these accounts, is that a willingness to accept compromise is found simultaneously in both groups. This is primarily an effect of the interplay between the groups and possibly of international intervention to ease the security dilemma. The development of a conflict is not only influenced by the relations between groups: a stalemate can last for years and a conflict can take a different course without the inter-group relations being the driving force. The dynamics within the ethnic groups, between the elites, their followers and competing elites, are also of importance because elites will see an interest in pursuing an accommodating strategy and be able to follow these inclinations (Caspersen, 2003, 105-6). As Horowitz (1985, 574) argues, elites in ethnic conflicts cannot be expected to be monolithic: intra-ethnic competition is the norm and this will severely constrain elites. In addition, given such competition, it will under some circumstances be



strategically valuable for elites to pursue more antagonistic strategies in order to gain an advantage in the intra-ethnic competition.

Therefore, elite behaviour and elite positions in ethnic conflicts do not only reflect selfish interests, since the elites will be constrained by other factors, and in order to analyse this the focus should be on both relations between the groups and dynamic within the groups. The behaviour of political elites, in terms of cooperation and confrontation, can result in the political system being stable and producing development or unstable, resulting in decay. This is depicted clearly in graph 1, which shows the dependency of a system's stability on the cooperative behaviour of political elites, which in return is a result of certain factors such as population size, balance of power among segments, a multiparty system, segmental isolation, nature of social cleavages, overarching loyalties and tradition of elite accommodation.



Graph 1. Relationship between conducive conditions, Elite behaviour and the performance of the system

The relationship between the behaviour of political elites and political stability, is one of the central questions in political science and political sociology. Some political scientists go to the extent of saying that "...the central concern of political science is competition for and the exercise of leadership by various elites..." (Edinger and Searing, 1967, 429). There is a theoretical agreement among the political scientists who link these two variables, namely, political stability and elite behaviour. Thus, Lijphart (1968) argues that Dutch democratic stability is due to cooperation and "accommodation" within an elite circle, a thesis which has been used to explain the political stability of several other plural societies.

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The leaders of rival subcultures may engage in competitive political behaviour and thus further aggravate mutual tensions and political instability, but they may also make deliberate efforts to counteract the immobilizing and destabilizing effects of cultural fragmentation (Almond, 1956).

As Claude Ake (1967, 113) stated, as a result of such overarching cooperation at the elite level, a country can “achieve a degree of political stability quite out of proportion to its social homogeneity.” Moreover, this possibility does not exist only in the fragmented democracies, but also in fragmented pre-democratic or non-democratic systems as well (Lijphart, 1968). Thus, consociational political systems are those that are plural but democratically stable due to coalescent behaviour on the part of the political elite. Allowing ‘the co-existence of strong sub-cultural division with democratic stability’ consociationalism places responsibility on the elite to remove competition and contention from the political arena (Daalder, 1974).

Since *elite cooperation* is the principal characteristic of successful conflict management in deeply divided societies, consociationalists suggest that even if there are deep communal differences, overarching integrative elite cooperation is a necessary and sufficient condition to bring democratic stability to culturally fragmented societies (Kenneth, 1974). Eric Nordlinger (1972) goes as far as arguing that elites “alone can initiate, work out and implement conflict-regulating practices, therefore, they alone can make direct and positive contribution to conflict-regulating outcomes.” In the consociational approach, elites or group leaders, directly represent various societal segments and act to form political ties at the centre.

The essential conceptual tools for the explanation of stability in fragmented societies are compromise, bargaining, accommodation, coalition and alliance. In short, Lijphart (1971, 9) claims that stability in a segmented society is said to be the result of the “co-operative efforts” of subcultural elites “to counteract the centrifugal tendencies of cultural fragmentation”. He consistently asserts that consociationalism is the only viable option for democracy in divided societies:

“For many of the plural societies of the non-Western world, therefore, the realistic choice is not between the British model of democracy and the consociational model, but between consociational democracy and no democracy at all.” (Lijphart, 1968, 238)

Consociationalism, according to Lijphart, is the only democratic model that ensures political stability in ethnically fragmented societies. This implies that the political solution to ethnic conflicts lies in the development of a consociational framework. Countries like the Netherlands, Belgium and Austria in Europe and Lebanon and Malaysia in Asia - although characterised by ethnic, religious, cultural and linguistic cleavages - have been able to maintain stable democratic regimes. The crucial factor in the maintenance of their stability is that political

leaders, aware of the fact that fragmentation can result in instability, deliberately adopt accommodative politics to oppose this possibility.

### 1.3. *Favourable Conditions for Consociational Democracy*

The hypothesis, which links political stability/instability and elite cooperation/confrontation, raises a new question. What are the conditions that influence the cooperative or confrontative behaviour of political elites? Obviously for successful power-sharing, some favourable conditions have to exist. The question of which factors might foster cooperation and power-sharing has long been debated among political scientists (Jurg, 1974).

Consociational democracy requires the cooperation of segmental leaders in spite of the deep cleavages separating the segments. This requires that the leaders feel at least some commitment to the maintenance of the unity of the country as well as a commitment to democratic practices. They must also have a basic willingness to engage in cooperative efforts with the leaders of other segments in a spirit of moderation and compromise. At the same time, political elites must be able to keep the support and loyalty of their own supporters. Based on this, it is necessary for the political elites to strike a balance between the compromise, which is supposed to be the source of all crucial decisions made by the elites, and the immediate interests of the elites' followers. In this context, political elites face two major tasks: first, it is of crucial importance to see the extent to which party leaders are more tolerant than their followers and second, to the extent to which political elites are able to carry them (their followers/masses) along. Therefore, the role of leadership is clearly a crucial element in consociational democracy. However, due to the fact that the behavior of the political elite is liable to change, it is necessary to identify the conditions that are conducive to overarching elite cooperation and stable non-elite support. For this purpose, the conditions can be divided as having *structure-oriented* and *actor-oriented* factors. Structure-oriented factors are mainly concerned with existing or non-existing structures (such as size, economic matters, territorial borders or the shape of the party system), while actor-oriented factors are concerned with the behaviour, the constraints and perceptions of actors. Therefore, the following factors appear to be particularly important, but not exhaustive: multiple balance of power or relative equilibrium, multiparty system, segmental isolation (Federalism) and cross-cutting cleavages (Lijphart 1968 and Schneckener, 2002).

It is important to emphasise however, that the favourable conditions are “helpful but neither indispensable nor sufficient in and of themselves to account for the success of consociational democracy”(Lijphart 1968, 54). Hence, in the absence of these conditions, consociationalism, although perhaps difficult, should not be considered impossible. Finally, it needs to be mentioned that the favourable con-

ditions for consociationalism have not been derived at deductively but inductively after a number of comparative studies of consociational systems have been conducted. Therefore, due to the considerable spread of the consociational model, the favourable conditions have undergone significant modification in number and substance over time. The following paragraphs provide the number of favourable conditions presented mainly by Arend Lijphart at different times.

### 1.3.1. Population Size

A salient characteristic of the original cases of European consociational democracies, namely the Netherlands, Switzerland, Belgium and Austria, is that they have small population sizes. According to Lijphart (1968, 64 and 1985, 123)

“.....population small size *directly* enhances a spirit of cooperativeness and accommodation and it *indirectly* increases chances of consociational democracy by reducing the burdens of decision-making and thus rendering the country easier to govern....elites are more likely to know each other personally and to meet often, decision making process is less complex and such countries generally do not conduct a very active foreign policy; this increases the probability that they will not regard politics as a zero-sum game and hence that they will chose coalescent instead of adversarial styles of decision-making.”

Similar to this, on the role of size in the functioning of consociational democracy Jurg Steiner (1971, 65) states that: “In smaller states, the political elites are, compared to bigger states, relatively small. Hence the probability is greater that the members of the political elite will interact relatively frequently.” However, the effect of small size on the possibilities of consociational democracy is not linear. Namely, when a country is very small, its reservoir of political talent will also be quite small. Because consociational democracy requires an exceptionally able and prudent leadership, smallness is a favourable factor only to a certain limit. Finally, small countries do not conduct very active foreign policy and political elites are not forced to make decisions that may jeopardise cooperation and consensus among them.

### 1.3.2. Balancing Power

Multiple balances of power between the segments of a heterogonous society, such as Bosnia, are more conducive to a consociational model of democracy’s successful functioning than a dual balance of power, or a hegemony by one of the segments, because if one segment has a clear majority, its leaders may attempt to dominate rather than cooperate with the rival minority. Thus, two party systems or one dominant party systems usually generate severe tensions and tend to create unstable systems. On the other hand, the success of the consociational power-sharing approach has mainly been attributed to the minority status of all subcul-

tures in the society. Based on this, Daalder (1966, 219) states that: “The divisive effects of segmentation are softened by the circumstance that none of the subcultures has much chance of acquiring an independent majority.” The “power” that may or may not be in equilibrium here primarily means the numerical strength of the segments, which in a democracy with free and fair elections can be expressed as electoral strength and translated into parliamentary seats.

The notion of a multiple balance of power, according to Lijphart (1968), contains two separate elements: (1) a balance, or an approximate equilibrium, among the segments, and (2) the presence of at least three different segments. Together these two elements mean that all segments are minorities. In fact, a society with relatively few segments, three or four, constitutes a more favourable base for consociational democracy than one with relatively few segments. In his work on South Africa, Lijphart (1985) proposed three to five segments. However, it has to be borne in mind that only a society, which is characterised by these two ‘element-balances’ and at least three different segments, is conducive to consociational democracy. Lijphart (1968, 56) stressed that ‘cooperation among groups becomes more difficult as the number of participating in negotiations increases’.

Qualitative crisis of political participation might be one of the obstacles to consociationalism’s ability to yield results, especially if the demands of one group tend to be made at the expense of another. In this case, the ‘centre’, which refers to the “grand coalition”, must have some flexibility and can sometimes grant the demands of one group without necessarily injuring the interests of others (Horowitz, 1971). The centre must be able to act with impartiality, especially in dealing with sensitive issues, in order to improve its effectiveness and gain more legitimacy among followers. However, participation of many segments in the negotiations and decision-making process might be an impediment to the smooth function of the system. Taking into consideration variables such as the number of segments, size of the largest segment and relative sizes of segments, it might be stated that in the Bosnian society neither of the groups has an absolute majority and that there is an imbalance among the segments with regards to the segments’ size. The index of fragmentation in Bosnia, using these three variables, is 0.64. This indicates that Bosnian society is quite imbalanced and fragmented along ethnic lines and, after Spain, is the second most fragmented society in Europe (Drazanova, 2019).

### 1.3.3. Multiparty Systems

The term ‘party system’ refers mainly to the number of political parties within a country and their ideological orientations. In discussing issues relating to the the total number of political parties that participate in the political system, political scientists have classified political systems into various types such as the ‘domi-

nant party system', the 'two-party system', the 'two-plus party system' and 'multiparty system'. Plural societies with a multiparty system are characterised by the fact that political parties are organised along the social cleavages that prevail in such societies, which is considered a favourable condition for consociational democracy. In such circumstances, members of political parties represent the respective segments of the society. Consequently, multipartism with relatively few political parties is optimal for the success of consociational democracy in a plural society, under the condition that all parties are minority parties and no party has a capacity to win majority of the seats in the parliament and create the government.

In order to provide a clearer classification and typology of party systems, Sartori (1976) divides the multiparty system into moderate and extreme multiparty systems. He defines a moderate multiparty system as one in which the number of the relevant parties capable of making a coalition and governing the country is three, four or at most five. This type of the party system brings about a centripetal political system with quite high level of political stability and good economic performance. On the other hand, extreme multiparty systems are characterised by large number of ideologically diverse parties with differing visions and missions, of which Bosnia might be given as an example, are conducive to governmental deadlock and paralysis.

#### 1.3.4. Segmental Isolation

Clear boundaries between the segments of a plural society have the advantage of limiting mutual contacts and, consequently, of limiting the chances that ever-present potentially violent antagonisms to erupt into actual hostility. Quincy Wright (1951, 196) argues that "ideologies accepted by different groups within a society may be inconsistent without creating tension." The danger of great tension arises only when these groups "are in close contact." As Lorwin (1966, 187) argues "If meaningful personal contacts with people of other subcultures are few, so are the occasions for personal hostility."

A plural society tends to be organised along segmental cleavages and these separate organisations necessitate a degree of segmental isolation that is conducive to consociational democracy. On the other hand, the consociational method of segmental autonomy. To a large extent, furthers the development of organisational networks within each segment. As a result of this, consociationalism increases the degree of separateness by applying segmental autonomy of a territorial kind along geographical lines (Lijphart, 1968). One institutional mechanism intended to mitigate and ease such constraints is ethno-federalism, which refers to a federal political system in which the governance of specific territorial units are intentionally associated with specific ethnic categories (Hale, 2004).

The primary aim of ethno-federalism is to preserve ethnically divided states by satisfying demands for autonomy on key issues, localising potential conflicts, promoting unifying identities and reducing opportunities for the central government to exploit minority regions (Bermeo, 2002 and Kohli, 1997). According to Riker (1964), for a country to be federal it must possess the following two elements. First, it must have a “federal constitution and characterised by (1) the two levels of government that rule the same land and people; (2) each level has at least one area of action in which it is autonomous and (3) there is some guarantee (even though merely a statement in the constitution) of the autonomy of each government in its own sphere.” Second, it must have at least the minimum level of democracy needed, such that the concept of regional autonomy has some meaning.

### 1.3.5. The Nature and Characteristics of Social Cleavages

The nature and characteristics of social cleavages is one of the factors that might make elite cooperation more conducive. Plural society is characterised by the presence of two or more separate communities living side by side. This type of society creates cleavages that usually translates into political parties representing a constituent people of that particular society. However, some conditions have to be met in order for a social grouping to be called a cleavage. Firstly, latent sociological cleavages must exist as they create potential for politicised and patricised cleavages. These cleavages are determined by the level of heterogeneity of the society and are based on factors such as race, ethnicity, religion, linguistic fragmentation, class etc. Second, people on one side of the cleavage must be aware of their common identity and must be willing to act on that basis to protect and promote the interests associated with their social identity. Finally, a cleavage becomes conflict-prone in organised society, i.e., if there is an institution that can provide an organised support and benefit to those who are on a particular side of the social divide (Lipset and Stein, 1967).

Ethnicity as a social cleavage and source of difference in a society is not a primordial quality. Ethnicity is not innate, it is not essentially ‘given’. Rather, ethnicity is socially constructed, it is an abstraction, a fluid ideological notion that does not exist outside of the mind. And as such plural societies divided along ethnic lines suffer from fragmented political culture that ultimately leads to immobilism and instability. Most scholars suggest that the stakes in conflicts characterised by identity issues are less amenable to compromise and accommodation than those conflicts centred on politico-economic issues. These analysts maintain that settlements of wars involving identity issues are less likely to prove stable than those designed to end politico-economic wars, because the security concerns associated with identity wars are typically more intense than those stemming from the latter type of conflict and this limits the potential for cooperation. Politico-economic conflict is a conflict of organisations, whereas ethnic conflict is a conflict of com-

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munal groups (Barry, 1975). According to Nordlinger (1975), “Communal cleavages are likely to be more salient and more intractable than class conflicts, more difficult to manage and more likely to provoke violence not only in emerging states but in many older polities”.

### 1.3.6. Overarching Loyalties

Overarching loyalties to the state and state institutions might mitigate the degree of conflict that results from the existing cleavages in a society. Therefore, cleavages and loyalties as divisive and cohesive factors respectively, may function simultaneously and the effect depends on the relationship between the two. Lijphart (1968) states that the interaction of cleavages and overarching loyalties determines the number and nature of the segments in a plural society. He claims that overarching loyalties produce cohesion for the entire society or for particular segments of the society. However, the final goal should be a creation of common interests among the elected political elites who will set up the example to the segments of the society they represent whereby national loyalty gradually replaces loyalty to the constituent units of the society.

Overarching loyalties are even more important if they provide cohesion for the whole society and thus moderate the intensities of all cleavages simultaneously. State nationalism might play a decisive and cohesive role. Two factors related to nationalism are of crucial importance here. First, the strength of nationalism, i.e. to what extent the sense of nationalism is strong enough to bring together people of different backgrounds to have the same feelings towards the state and second, even more importantly, is the question of whether it truly unites the society or instead acts as an additional cleavage by encouraging loyalty to a particular ethnic group among other ethnicities that exist in the society. As a result of this and according to Wenfan and Gaochao (2010), there are four possible outcomes of ethnic and national loyalties in a given society:

1. Weak ethnic loyalty and weak national loyalty, implying a possible coerced ethnic integration, but some degree of political stability due to the lack of desire for ethnic independence;
2. Weak ethnic loyalty and strong national loyalty, suggesting successful integration and political stability due to the desire to stay together;
3. Strong ethnic loyalty and weak national loyalty, most likely a result of failed integration and a condition for political instability;
4. Strong ethnic loyalty and strong national loyalty, implying successful but unstable ethnic integration and a delicate balance between group equality and national unity.



Table 1.: Loyalty Types

Hypothetical outcomes of ethnic and national loyalties		
	Weak ethnic loyalty	Strong ethnic loyalty
Weak national loyalty	Coerced integration (stable)	Failed Integration (unstable)
Strong national loyalty	Successful integration (stable)	Conditional Integration (unstable)

The levels of identification of the ethnic and national loyalties among the three main ethnic groups in Bosnia will obviously have important policy implications in how to handle ethnic relations and provide political stability in the future by avoiding tensions and conflict.

### 1.3.7. Traditions of Elite Compromise and Accommodation

Heterogeneous societies normally enjoy politically stable governments and economic development, if the elected political elites are able to compromise and engage in friendly rather than antagonistic decision-making process. For political elites to be moderate and cooperative, prior existence of a tradition of elite compromise and accommodation is essential. Therefore, it is vital that a tradition of pluralism and political accommodation by political elites precede the process of political modernisation and nation-building. A pre-democratic historical tendency towards moderation and compromise can indeed be an independent factor that appreciably strengthens the chance of consociational democracy (Lijphart, 1968, 99-103). An a priori tradition of elite compromise and accommodation is a favourable factor for consociational democracy but although it may be of greater importance than other factors, it is not a prerequisite for the consociational power-sharing approach to take place. Consociationalism has been described as a government by elite cartel whose main goal is to provide a political stability and economic development to the nation. It is, therefore, necessary to define concepts such as elite and political stability.

### Consociationalism in Bosnia and Herzegovina

The major argument underpinning the consociational power-sharing model, is that in a society divided and fragmented along ethnic and religious lines, elite cooperation is the major basis for political stability and economic development. Support for this hypothesis comes from numerous empirical studies such as that of the Netherlands, Belgium, Malaysia and Austria. This cooperative behaviour covers a number of political strategies including: grand coalition, proportional representation, segmental autonomy and mutual veto.

### 1.1. *The Nature of the post-Dayton Coalitions*

According to its Constitution, Bosnia consists of two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (Constitution of Bosnia and Herzegovina, 1995, article 1.3). Power-sharing is the essence of the Bosnian Constitution and its primary objective was the decentralisation of political power and the provision of security to the three ethnic groups, Bosniaks, Serbs and Croats, in order that their vital national interests would be protected. As with regard to the primary institutions of executive power, no power sharing arrangement would be complete without broad group representation at a governmental level. Governments require co-operation, usually being formed among the political parties that win the majority of votes within each ethnic group, without a joint (pre- or post-electoral) platform however. The willingness to form coalitions of joint-decision making and inclusion, requires the consent of the major parties participating in government formation. Grand coalitions are extremely difficult when each group is represented by only one dominant party, or other parties are weak to the extent that they cannot get reasonable number of seats in the parliament. This results in limited variations of coalitions.

The designers of the DPA recognised the importance of elections in the post conflict peace-building process. As Gofman and Lijphart (1986, 2) clarified, the election process is considerably influenced by the rules, which govern it: "...election rules not only have important effects on other elements of the political systems, especially the party system, but also offer a practical instrument for political engineers who want to make changes in the political system." Electoral engineering and the setting of rules guiding elections are widely considered as crucial aspects of institutional design in divided societies. These rules determine how various ethnic groups are represented, what behaviour by political elites is deemed acceptable within the given society and provide for the accountability of politicians (Reilly and Reynolds, 1999). As a result of these electoral provisions, the political system of Bosnia is characterised by the notion of proportionality and parity in the leading state legislative and executive bodies such as the Parliamentary Assembly, the Presidency and the Council of Ministers.

### 1.2. *Proportional Representation vs. Parity in Representation*

Based on the accommodation and compromise reached at the Dayton Peace Agreement (DPA), the Constitution tries to accommodate the demands of all three ethnic groups and the political elites that represent them (in equal numbers of representatives) in the Presidency, Council of Ministers, and the House of Peoples and (somehow) in the House of Representatives. Thus, the Constitution adopted the principle of parity of representation at various levels of authority, securing all ethnic groups, regardless of their representation in the society and equal power in the decision-making process. It is further strengthened by the mechanism of

rotating chairmanships of the Presidency and both houses of the Parliamentary Assembly every eight months. This happens alongside an agreed rule among the political elites to rotate position of chairman of the Council of Ministers among the three ethnic groups after each parliamentary election.

The essence of the principle of proportionality and of cooperative behaviour for that matter is that elites recognise the fragmented nature of the society and attempt, through various policies and actions, to perform a difficult balancing act. Therefore, a proportional system of political representation is supposed “to guarantee for the fair representation of ethnic minorities” (Lijphart, 1985, 495). On the basis of the observation of Bosnia, one can distinguish two different meanings of proportionality. The first meaning would be a classical understanding of proportionality, that is, every citizen with the right to vote would be represented in a parliament and other state bodies. The state institutions, first and foremost the parliament, would reflect the results of the citizens’ votes. The second meaning is the *proportional representation of ethnic groups*, rather than citizens, in a state.

As with the parliament, every ethnic group has a third of the seats (five) in the upper house of the Parliament no matter how big the ethnic groups actually are. One third of the House of Representatives is reserved for the deputies coming from the RS and the other two-thirds are reserved to the deputies elected from the FBH. The number of citizens belonging to an ethnic group has not been of relevance for the way the seats in the Parliament are distributed. In this way the representation within Bosnian state institutions has been a reflection of the ethnic composition of the country.

Thus, proportionality in the Bosnian context has been used only in terms of the distribution of the influence on the decision-making process and country governance among the three ethnic groups. One of the consequences of proportionality related to ethnic groups, in the Bosnian context, is the lack or even total absence of representation of those citizens who do not belong to any group, so called Others. In the last census held in 2013, 3.7% the Bosnian population declared themselves as Others and belonged to neither of the three major groups. Although it was very difficult to complete the indexing of citizens because of a large number of refugees, and internally and externally displaced persons, one could assume that there was still a large group of people whose interests, because of the fact of their not belonging to any of the major groups, were not represented in state institutions (Pajić, 1998). Suggesting possible options for counterbalancing the presence of a majority ethnic group, Lijphart says that a bigger group could be underrepresented while minor group(s) could be given more places in a parliament than it should on the basis of its size alone:

For instance, a group comprising eighty percent of the population might be given only seventy or sixty percent of the seats in parliament and ministerial positions

in the cabinet or even, in the case of parity, only fifty percent; and the representation of the minority or minorities would be increased correspondingly. (Lijphart, 1985, 500-1)

In consociational practice, division of places, ministerial posts and parliamentary seats is related to the size of an ethnic group. In Bosnia, however, despite the imbalance in the size of groups, the quantitative difference between them did not find an acknowledgment in the composition of the state institutions: the posts go equally to every group, no matter how big they are. Hence, the number of cabinet ministers in the Council of Ministers needs to be divided by three so that each constituent people will have an equal number of ministers regardless of their proportion in the population. Therefore, instead of the rule of proportionality, again the rule of parity predominated in the Council of Ministers, promoting the concept of positive discrimination.

### 1.3. *Segmental Autonomy*

With regard to the autonomy of groups, Lijphart, proposes that issues that are of common concern should be decided at the state level. In this case, decisions should be made jointly by different groups. Other matters should be left for decision by each separate group. At the heart of this multi-ethnic policy was the decentralization of political power and the provision of security to all ethnic groups. The promise of the DPA was that the power of majorities at higher levels of government would be closely regulated, and where possible, power was to be shared through being devolved downwards, thereby allowing greater self-government at local level.

The central constitutional point of this new multi-ethnic state was that Bosnia consists of two entities: the Federation of Bosnia and Herzegovina (FBiH), established by the Washington Agreement in March 1994, occupying 51 percent of the territory and the entity Republika Srpska (RS), occupying the remaining 49 percent. The FBiH consists of ten cantons<sup>3</sup>, each of which is a governmental entity with a high degree of autonomy. Each canton has its own government, headed by a Premier who has his/her own cabinet, and is assisted in his/her duties by various regional ministries, agencies and canton services. Cantons have their own parliaments whose representatives are directly elected in general elections.

The responsibilities of the state and entity institutions are outlined in Article III of the Bosnian Constitution. Thus, institutions of the Bosnian state were to be

3 Five cantons (Una-Sana, Tuzla, Zenica-Doboj, Bosnian Podrinje, and Sarajevo) are Bosniak majority cantons, three (Posavina, West Herzegovina, and West Bosnia) are Croat majority cantons, and in two cantons (Central Bosnia and Herzegovina and Neretva canton) neither ethnic group has predominant majority. These cantons are 'ethnically mixed' and exercise special legislative procedures for protection of the constituent ethnic groups.

responsible for foreign policy, foreign trade policy, customs policy, monetary policy, the finances of the institutions and for the international obligations of the country, immigration, refugee, and asylum policy and regulation, international and inter-entity criminal law enforcement, including relations with Interpol, establishment and operation of common and international communications facilities, regulation of inter-entity transportation and air traffic control (DPA, Annex 4, article 3.1.)

The entities are responsible for ‘all governmental functions and powers not expressly assigned in the Constitution’, for example, law enforcement, social policy and education. The entities also ‘have the right to establish special parallel relationships with neighbouring states consistent with the sovereignty and territorial integrity of Bosnia’. In order to safeguard the interests of the three groups, the central state institutions have been organised on the basis of an ethnic key, which guaranteed representation to all three sides and the protection of ‘vital interest’.

It is important to mention that the Constitution (Article 3.5.) provides *for the State to assume other responsibilities for such matters which are necessary to preserve the sovereignty, territorial integrity, political independence and international personality of Bosnia*<sup>4</sup> in accordance with the division of responsibilities between the institutions of Bosnia and Herzegovina. The Constitution ensures that additional institutions may be established as necessary to carry out such responsibilities.

The cantons in the FBiH were to be responsible for all functions not expressly granted to the FBiH entity Government. Therefore, they have been, in particular, responsible for police forces, education, cultural policy, housing, public service, land use, local business, charitable activities, cantonal tourism and social welfare policy and services. Beside this, some functions such as guaranteeing and enforcing human rights, health, environmental policy, implementing laws and regulations concerning citizenship and use of natural resources are shared by both, Federation and canton governments.

On the other hand, the entity RS is highly centralised entity with the President, Cabinet and Parliament on the top of executive and legislative authorities and municipalities at the local level and as such does not have the same structural problems as the FBiH.

The creation of ethnically homogenous territories was the result of the massive displacement of people, ethnic cleansing and genocide. When the international community created the new constitutional framework for Bosnia, the idea behind it was that: ‘*giving political autonomy to territorially defined ethnic groups would lead to constructive dialogue and peaceful management of the conflict*’

4 Italics are added

(Bojić-Dželilović, 2003, 289). According to Lijphart, keeping the different segments apart limits their mutual contact and subsequently lessens the probability of antagonism and open hostility. Lijphart admits that segmental autonomy contradicts the widely held assumption that mutual contacts foster mutual understanding, but states that:

‘It is in the nature of consociational democracy, at least initially, to make plural societies more thoroughly plural. Its approach is not to abolish or weaken segmental cleavages but to recognize them explicitly and to turn the segments into constructive elements of stable democracy’ (Lijphart, 1968, 42).

By explicitly recognising the segments, a consociational democracy will increase its organisational strength and this strength will, instead of creating conflict, open up a possibility for the elite to play a constructive role in conflict resolution (Lijphart, 1985, 106 and 2004, 45). The critics of consociationalism point at the probability that segmental autonomy might lead to representation of ethnic identity and absolute secession (Barry, 1975, 39). On the contrary, Ibrahimagić (2019) found that Bosnia, since its creation, was never a tribal state, nor was it within its administrative division, divided according to religious or ethnic affiliation even before Dayton, advocates the abolition of a mono-ethnic, entity organisation in the internal administrative-political organisation of Bosnia into two multi-ethnic entities and advocates the federalisation of all of Bosnia into 14 cantons, with a single president of the State, with Sarajevo in its pre-war boundaries as the capital of the State and the Brčko District of Bosnia.

#### 1.4. *Mutual Veto*

The idea of protecting the rights of the various ethnic groups from being overruled by a majority has been a dominant theme in Bosnia. With the minority veto that is proposed by Lijphart and which is also incorporated into the Bosnian political system, every single ethnic group represented in the institutions of a state can defend its vital national interests if the issue at stake endangers them. As a result of the minority veto no decision can be taken against the interest of any constituent people. If the majority of either Bosniak, Croat or Serb delegates in the House of Peoples, declares that a proposed decision or law of the Parliamentary Assembly is destructive to a vital national interest of their people then that decision or law cannot be adopted. Thus, the majority (three) of Bosniak, Serb and Croat delegates have to vote for the decision in order to be adopted in the upper house. This may seem rather ridiculous given that out of fifteen delegates in the House of Peoples. A mere three of them can veto any decision or law that they consider to be against the interest of the people they represent there. Otherwise, a conciliation procedure is foreseen and ultimately a decision is taken by the Constitutional Court. Obviously, this procedure causes a serious risk of blocking decision-making. The only way to resolve this problem is through a precise and

strict definition of vital interests in the Constitution. The main problem with veto powers, however, is not their use but their preventive effect.

Since all political elites involved are fully aware of the existence of the possibility of a veto, an issue with respect to which a veto can be used, will not even be put to vote. On the other hand, if there is an interest by the delegates of two constituent peoples to include certain bills to the voting procedure in the House of Peoples, which might be against the interest of the third constituent people then in order to stop it from even being brought to the discussion, the delegates who are against the bill will simply not come to the session whereby due to the absence of quorum is impossible for the session be held at all.

Furthermore, the Presidency is supposed to reach all decisions by consensus. However, a dissenting member of the Presidency may declare a Presidency decision to be destructive for a vital interest of the entity from the territory from which he was elected, provided that he does so within three days of its adoption in the National Assembly of the RS in the case of the Serb member of the Presidency or in the Bosniak or Croat caucuses in the House of Peoples of the FBH.

The right to veto any decision at state and entity levels when the vital interest of one of the constituent peoples comes into question enables each ethnic group to prevent any attempt from the state to violate its autonomy. However, the criticism directed towards mutual veto is the possibility of a 'tyranny of the minority', or in the case of Bosnia, simple tyranny, because there are no minorities in the constitutional sense- all three segments are equal constituents. Lijphart argues that mutual veto will not lead to tyranny or immobilism because it will give each segment a sense of security and a mere recognition that the other segments have the same right and this will detract the political elite from the over-extensive use of veto. In Bosnia, however, the evidence shows otherwise. Thus, veto rights, one of the most important aspects of power-sharing arrangements can simultaneously have the most serious negative repercussions on the functioning of any institutional arrangements. The aim of veto-right usage in Bosnia has been to prevent the out-voting of non-dominant groups at the level of parliament, cabinet and even the Presidency. One of the greater challenges to veto rights in Bosnia is the definition of a field of legislation and decision-making where such a veto right is applicable. As a result of this, very loose definitions and interpretations of the veto right in Bosnian context has allowed community representatives to block any decision and hence *opening the door to its misuse and abuse*. Therefore, a minority veto right in Bosnia potentially jeopardised the power sharing system because it has led to the entire obstruction of the decision-making process in the post-Dayton Bosnia. This indicates that vital national interest is one of the obstacles in the process of better implementation of the DPA, mainly due to its broad definition and loose interpretation.



## Conclusion

The power-sharing framework used in this study attempts to serve two main purposes. First, it provides insights into the theory of consociationalism as a power-sharing approach in political science. Second, it tries to contribute to our understanding of the presence and relevance of this model in the Bosnian political system.

The consociational framework emphasises the role of political elites in providing political stability and economic prosperity. The attention given to the political elites was based on the observation that much of what happens to the political system depends upon the role played by the elected and appointed political elites. Political elites may intensify the conflict within the society or may regulate it through development of institutions and supportive decision-making procedures. The relative conflict or cooperation that characterises their relations is contributory to the stability or the instability of the political system.

Consociational power-sharing approach requires a grand coalition, proportional representation, segmental autonomy and mutual veto as the main characteristics necessary for the state whose political system is based on the principles of consociationalism to achieve its goals of political stability and economic prosperity.

The explanatory power of the model applied in this paper is further improved by identifying the factors that are conducive to, or prohibitive of elite cooperation. These factors are: population size, balance of power among segments, a multi-party system, segmental isolation, the nature of the extant social cleavages, over-arching loyalties and a tradition of elite accommodation. These factors are quite helpful in explaining politics in the post-Dayton Bosnia. By virtue of the fact that Bosnia shares similar socio-economic and political problems of other countries divided along ethnic lines, the framework used here should prove useful to the study of the politics of the developing areas in general.

This paper shows that all features of consociationalism exist in the post-Dayton Bosnian political system. However, grand coalitions are always made after the elections and mainly for the distribution of positions in the executive bodies of state apparatus and without any in-advance agreed strategic platform and goals to be achieved and accounted for. Proportionality has been mainly replaced with parity giving rise to imbalanced representation in state institutions. Segmental autonomy has been misconceived and veto power has been used to block all legislation beneficial to the state.

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