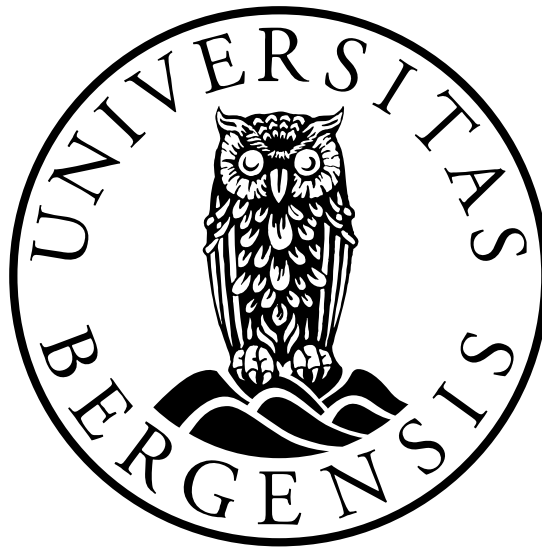# EDUCATION AT A STANDSTILL

HOW THE CONSOCIATIONAL SCHOOL OF THOUGHT HAS PERPETUATED ETHNIC CONFLICT IN POST-WAR BOSNIA

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Master's Thesis

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Abstract

This study set out to explore why the consociational prescription to have cultural autonomy in education contributes to perpetuating ethnic conflict instead of conflict resolving, in post-war societies like Bosnia and Herzegovina. The prescription is to recognise and strengthen the major ethnic groups through decentralisation of decision-making in education. The study analyses a fragmented and politicised educational system, and its consequences for inter-ethnic relations, which are analysed and presented as manifestations of exclusivist, educational protectionism.

The single-case study on consociational post-war Bosnia and Herzegovina builds on interview data from a three-week-long fieldwork in Mostar and Sarajevo, in January 2016. It uses a constructivist perspective to analyse conflict and to understand how ethnic boundaries are being constructed. It is genuinely inter-disciplinary, drawing on work from social anthropology and comparative education, while remaining firmly rooted in the discipline of comparative politics.

It concludes that the cultural autonomy prescription *assumes* a recognition of equality between the major ethnic groups, that it *requires* such a recognition to contribute to conflict resolving, but that it is unable to *produce* such a recognition. Decentralisation in education serves to empower the majority ethnic group in the various administrative units, at the cost of ethnic minorities. Without a recognition of equality, the Bosnian case shows, the consociational approach to cultural autonomy in education is fundamentally incapable of handling diversity.

Consociationalism correctly values the importance of education, but an emphasis on recognition and strengthening of ethnic groups also have inter-group effects, which must also be tackled. The failure to theorise the 'negative face of education in ethnic conflict' is attributed to an instance of conceptual stretching, and a failure to consider a mainstream constructivist perspective on the construction and maintenance of ethnic boundaries. Measures to increase internal cohesion also increase external differentiation. Educational protectionism in Bosnia is associated with particularistic claims for group rights, and is manifested in ethnically slated, mono-perspective curricula and various forms of segregation in schooling, most visibly in the "two schools under one roof", where the students are separated on the basis of their ethnicity.

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My three weeks in Mostar and Sarajevo was the highlight of my time as a master student in Bergen. I am grateful to all my informants, who took the time to sit down for an interview, because without them … well, my master's thesis would have become a lot leaner. I would like to mention Steinar Bryn and Elvir Djuliman, whom I corresponded with over a longer period in the autumn semester, and who assisted me before travelling to Bosnia in January.

Ragnhild Louise Muriaas has been my supervisor and guru on qualitative methods. Thank you for reading and commenting on drafts, throughout the year, and for our talks in your office. An earlier and a lot rougher version of chapter 5, which is the analysis chapter, was presented at the Democracy and Development group at our Department. Thank you for all the valuable comments, and for confirming that the data from my fieldwork was of an acceptable quality.

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And to all those sitting next to me at Sofie Lindstrøm's hus: It's been good.

Snorre Standish Norheim

Bergen, 1. Juni 2016

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List of abbreviations and acronyms

"2in1"	"Two schools under one roof"
APOSO	Agency for Pre-Primary, Primary and Secondary Education
BiH	Bosnia and Herzegovina (1995–)
	(*BiH, Bosnia and Herzegovina, and Bosnia will be used interchangeably*)
CoE	Council of Europe
DPA	Dayton Peace Accords
	(*same as GFAP*)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EUSR	European Union Special Representatives
FBiH	Federation of Bosnia and Herzegovina
	(*one of two entities that constitute the state of Bosnia and Herzegovina*)
Framework Law	Framework Law on Pre-Primary, Primary and Secondary Education
FZS	Institute for Statistics of FBiH
GFAP	General Framework Agreement of Peace in Bosnia and Herzegovina
	(*same as DPA*)
INGO	International governmental organisation
MoCA	Ministry of Civil Affairs
NGO	Non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
OHR	Office of the High Representative
OSCE	Organisation for Security and Cooperation in Europe
RBiH	Republic of Bosnia and Herzegovina (1992–1995)
RS	Republika Srpska
	(*one of two entities that constitute the state of Bosnia and Herzegovina*)
SFRY	Socialist Federal Republic of Yugoslavia (1945–1992)
SR BIH	Socialist Republic of Bosnia and Herzegovina (1945–1992)
UNICEF	United Nations Children's Fund

List of active political parties

Political parties based in the Federation of Bosnia and Herzegovina

Bosniak parties:

A-SDA	Party of Democratic Activity
BPS	Bosnian and Herzegovinian Patriotic Party
SBB BiH	Union for a Better Future of BiH
SBiH	Party for Bosnia and Herzegovina
SDA	Party of Democratic Action

Croat parties:

HDZ-1990	Croatian Democratic Union 1990
HDZ BiH	Croatian Democratic Union of Bosnia and Herzegovina
NSRzB	People's Party Work for Progress

Multi-ethnic parties:

DF	Democratic Front
SDP	Social Democratic Party of Bosnia and Herzegovina
Nasa Stranka	Our Party

Political parties based in Republika Srpska

Serb parties:

DNS	Democratic People's Alliance
NDP	People's Democratic Movement
PDP	Party of Democratic Progress
SDS	Serb Democratic Party
SNSD	Alliance of Independent Social Democrats
SP RS	Socialist Party of Republika Srpska

A total of 51 parties, 15 independent candidates and 14 coalitions were eligible to run for political positions in the last general elections, held in 2014 (OSCE and ODIHR 2015).

Geography and administrative units

Figure 1. Map of Bosnia and Herzegovina (Source: Fotolia 2016).

The map shows the state of Bosnia and Herzegovina (BiH) and its surrounding states in the Western Balkans: Croatia lies in the west and north, Serbia in the east, and Montenegro lies in the south-east. BiH is land-locked, apart from a small sea strip in the municipality of Neum, and covers 51,197 square kilometres. The Bosnian state is made up of two constituent entities: Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH)[1]. FBiH is further decentralised and has ten powerful cantons. Republika Srpska is physically split by the autonomous District of Brčko, held in condominium by both entities, and in effect governed by neither of them. BiH has 143 municipalities in total: 79 are located in FBiH, and 64 are located in RS.

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[1] Observe the distinction between BiH (the whole of the state) and FBiH (one entity of the state).
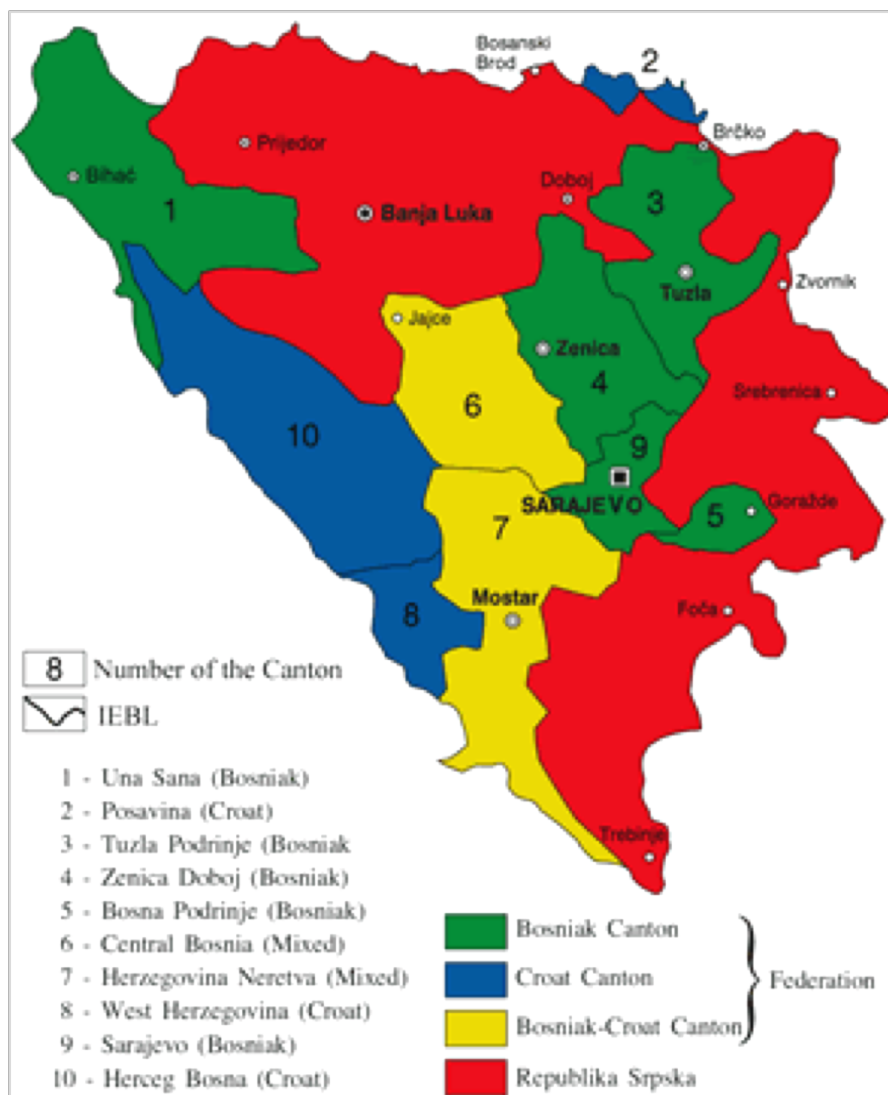
Figure 2. Map with distribution of constituent peoples (Source: OHR).

While the constituent peoples in Bosnia are *de jure* entitled to "collective equality," the various administrative units are *de facto* associated with just one of them. The map shows the geographical distribution of the constituent peoples, notable cities, and the Inter-Entity Boundary Line (IEBL), which was the frontline in 1995. My fieldwork was done in *Sarajevo*, in the Sarajevo canton, and in *Mostar*, in the ethnically mixed Herzegovina-Neretva canton.

1 Introduction

1.1　Research question

Consociationalism is a distinguished power-sharing theory in comparative politics, concerned with how to accommodate relations between antagonistic ethnic groups in deeply divided, heterogeneous societies. In my thesis, I intend to shed empirical light on the consociational prescription to have cultural autonomy in education. I adopt Bush and Saltarelli's (2000) metaphor of the 'two faces of education in ethnic conflict', and set out to explore the 'negative face of education', which has not been accounted for by consociational theory. It started out as a descriptive theory, and attempted to account for elite accommodation in the Netherlands, but was later projected as a set of universal power-sharing prescriptions, to be applied by political engineers and decision-makers in even the most divided post-war societies. This makes consociationalism a rare breed in comparative politics since it simultaneously *describes* and *prescribes* political systems, in a range of different contexts, making it not only difficult to pronounce but also difficult to comprehend. I therefore make a conceptual distinction between consociationalism as an empirical *approach* and a theoretical *prescription*, based on this condensed account of the nature of consociationalism: (A) the consociational approach is not to abolish or to weaken ethnic cleavages but to recognise and strengthen them explicitly; (B) to let the major ethnic groups manage their internal affairs through decentralisation of decision-making – in a bid to reduce contention over identity-sensitive matters; (C) and *thereby* make them play a constructive role in conflict resolution (Lijphart 1977, 42; 1985, 107; 2004, 97).

B is an institutional follow-up on A, and together they will be called the consociational *approach* to cultural autonomy in education. Such a consociational approach can potentially be observed in the real world, and described. C is not logically implied by the first two. It is possible for A and B to exist without contributing to conflict resolving, since the effects of decentralisation in ethnically divided, post-war societies are better called uncertainties than conditions (Treisman 2007, 246). Taken together, A, B and C rather constitutes a theoretical claim about conflict resolving, which I will call the consociational *prescription* to have cultural autonomy in education. This basic distinction makes it possible to question the wisdom of the consociational prescription in post-war societies, by exploring a post-war case where the consociational approach to cultural autonomy in education can be observed and described – one

that "epitomises the potentially 'negative face' of education as described by Bush & Saltarelli" (Owen-Jackson 2008, 86). Education is broadly understood as "an important medium for imparting not only pedagogic instruction but attitudes, values and behaviours", and includes both formal structures of schooling, with classes of students taught by a teacher, and informal and non-formal structures (Bush and Saltarelli 2000, ix). I concentrate more on formal state-run schooling, as opposed to learning in homes and religious settings, etc., while acknowledging that informal and non-formal structures have a great impact on school content as well. I limit my case study to obligatory primary education, which covers nine years from the year a child reaches six of age, and voluntary secondary education, following arts. 15 and 16 in the "Framework Law on Pre-Primary, Primary and Secondary Education in Bosnia and Herzegovina" – which is the consociational post-war case that I have chosen to explore.

A quarter of a century has now passed since the start of the Bosnian civil war, in April 1992, when the three warring factions in a matter of months set up their own educational systems. The spread of separate educational systems was an integral part of violent attempts to establish three ethnically homogenous nation states: the *de facto* states of Republika Srpska (Serb) and Herceg-Bosna (Croat), and to a lesser extent the Bosniak-controlled federal state (Baranovicé 2001, 14). Education was dramatically halted during wartime, but not stopped; the Bosniak children continued to use federal books from Sarajevo, whereas Bosnian Croats and Bosnian Serbs got theirs from Zagreb and Belgrade, respectively (Low-Beer 2003). An internationally brokered consociational power-sharing system has been in place since December 1995, structured around ethnic identities. Because of the policy of "ethnic cleansing" executed during the war, Bosnia's federalist system pairs identity and territory, in combination with ethnic vetoes and parity representation in common institutions at a weak state level (Sisk and Stefes 2005, 313). The Constitution remains an integrated part of the 1995 Dayton Peace Accords (DPA) and defines an institutional framework with proportional representation, certain fixed positions in governing coalitions allotted to the major ethnic groups, mutual vetoes and group autonomy guarantees. Hence, "the institutional framework of the Dayton state qualifies post-war Bosnia as a classic example of consociational settlement. Consociational rules and norms are built into practically every aspect and level of the Dayton system" (Bose 2002, 216).

The Constitution recognises three "constituent peoples", who are privileged in the state: Bosniaks, Croats and Serbs. "(Others)" is literally a legal parenthesis, and counts 17 officially

recognised national minorities and those who do not self-identify with a particular ethnicity.[234]
In 2000, consociationalism was further bolstered in Bosnia, when the Constitutional Court in a
series of landmark decisions reaffirmed the rights of the constituent peoples on all of Bosnia's
territory, and demanded changes to the constitutions and electoral laws of the entities,
Republika Srpska and FBiH (Begić and Delić 2013). The 2013 census results are pending but
estimations show the relative strengths of the constituent peoples: 48.4 per cent are Bosniaks,
32.7 per cent are Serbs, and 14.6 per cent are Croats (Central Intelligence Agency 2016). The
constituent peoples are constitutionally entitled to "collective equality" throughout the state, a
legal principle that prohibits assimilation and segregation against them. While no constituent
people is a numerical majority in the whole of the country, all three of them are *de facto* mino-
rities in numerical and socio-political terms, depending on the administrative unit in question.
For instance, since Republika Srpska is inhabited mostly by Serbs, the Bosniaks and Croats are
in a minority; conversely, Serbs are a minority in FBiH (Hodžić and Stojanović 2011, 49–53).

The Dayton Constitution was designed to reduce the risk of being politically and culturally
dominated by another constituent people, and institutionalised cultural autonomy in education,
in a highly fragmented state: There are twelve, thirteen or fourteen educational ministries –
depending on whether one includes the education department in the District of Brčko, and the
education department under the Ministry of Civil Affairs (MoCA) – with few coordination
mechanisms at the national level. Competencies are highly centralised in the Ministry of
Education and Culture of Republika Srpska, whereas its counterpart in FBiH performs only a
coordinating role since education is a sole responsibility of the ten cantonal ministries. Most
educational decisions are thus made in administrative units with a clear ethnic majority, which
is fully in line with the consociational prescription to have cultural autonomy in education, but
instead of contributing to conflict resolving, the consociational approach has produced vast
discrimination of *de facto* ethnic minorities, and a fundamental inability to deal with diversity.
Against this conceptual and empirical background, I formulate the following research question:

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[2] The constituent Croat and Serb peoples should be distinguished from Croatians and Serbians, who are citizens
of Croatia and Serbia, respectively. The third constituent people are ethnic Muslims from Bosnia, who are called
Bosniaks, a term that cannot be equated with Bosnians. As "citizens of an empty nation" (Hromadžić 2015), the
term Bosnian refers to a person's citizenship in the state, and is not commonly used by people in Bosnia. Bosnian,
Croatian and Serbian and refers to three similar languages. For more on the constituent peoples, see chapter 2.
[3] "Law on Rights of National Minorities", art. 3.
[4] Decisions, treaties, statutes, regular laws, and constitutions are referenced either directly in the text or in
footnotes. A list with all referenced legal documents is compiled in the appendix, section 9.1.

> Why does the consociational prescription to have cultural autonomy in education contribute to perpetuating ethnic conflict instead of conflict resolving, in post-war societies like Bosnia and Herzegovina?

I want my research to have a bearing on consociational theory, and this explains my why-question, and why the research question deals with the theoretical *prescription*. But to have anything substantial to say about it, I will have to explore how the consociational *approach* to cultural autonomy in education contributes to perpetuating ethnic conflict in Bosnia. Because 'why' and 'how' questions "deal with operational links needing to be traced over time, rather than mere frequencies or incidence", the case study method is a good fit (Yin 2014, 10). My constructivist perspective on ethnic conflict is in accordance with Mitchell, and shares his main assumption on conflict attitudes: "the 'psychology of conflict' is best regarded as an exacerbating factor, rather than as a prime cause" (1981, 25). I do not advance causal claims that divisive schooling, educational protectionism, and the social construction of ethnic identities will lead to violent conflict (Fearon and Laitin 2000). But like Mitchell, I recognise that attitudes "often become key factors in later states of disputes, and in the continuation (and even extension) of the conflict" (1981, 28). Education, as a medium for imparting values and attitudes, matters because "[i]t transmits language, culture, moral values and social organization, leading to a particular identity and often has a strong political role" (Bush and Saltarelli 2000, xi). While exacerbate would signify a progressive worsening of *behaviour* and *conflict* – the other two components in Mitchell's dynamic conflict structure – I use *contributes to perpetuating* ethnic conflict. Meaningful conflict resolving entails more than the absence of a progressive worsening of war. I deliberately avoid the common, unfortunate and very misleading *post-conflict* term. The term *post-war* "refers to situations where the major warfare has ceased, but where some incompatible issues may remain unsolved" (Jarstad 2008a, 20).

1.1.1 Consociationalism and educational protectionism in Bosnia

My operationalisation of the how-question is: *to study the education system in Bosnia and Herzegovina after the war and focus on how a decentralised political system in that country has produced what may be known as exclusivist, educational protectionism (Božić 2006).* In Bosnia, education is "widely perceived as a political tool" (Muñoz 2008, para. 72), which is captured best by the concept of *educational protectionism*. "This term refers to the exclusivity and ineffability of one group in interpreting a common history, a shared geography and

linguistics and literature (Božić 2006, 326–327)." The aim of educational protectionism is twofold; while the first aim may certainly have positive consequences for intra-group relations, the second aim is decidedly negative for inter-group relations: "[1] to reinforce the national consciousness of a respective ethnic group and link it to a specific territory or territories and [2] to exclude the other group(s) from its education system" (ibid., 320). The constituent peoples are *de jure* recognised as equal; education across the country *should* be available to all, yet in practice, the education system caters only to the constituent people who forms a numerical majority in that administrative unit. This system has installed the conflictual mentality of 'Why should I be a minority in your schools, when you can be a minority in my school?' (Perry 2014, 246), as the default. The exclusivist interpretation applied in Bosnia is the right to have "completely autonomy in all education matters," with freedom *from* being exposed to and learn about the perspectives of other peoples, despite sharing the state (Božić 2006, 330).

Educational protectionism is manifested in mono-ethnic curricula and various forms of segregated schooling (Swimelar 2013), and "establishes the barrier of intolerance as a way to prevent other groups from entering" (Božić 2006, 327). The most visible manifestation are the "two schools under one roof" which, according to a 2014 decision by the Supreme Court of FBiH, organise students on the basis of their ethnicity (Ombudsmen of BiH 2015, 16). The two schools are co-located, but legally distinct entities and each has its own administration and teaching staff; the Bosniak and the Croat children are being kept apart by attendance in different shifts, or by the use of separate parts of the school. The percentage of "2in1" schools is small, but the schools are significant, as they are located in some of the few areas of the country that are both ethnically heterogeneous, that were directly exposed to the war, and that have a high number of returnees (Swimelar 2013, 169). I use the "two schools under one roof" as an entry point to divisive schooling in Bosnia and Herzegovina in my thesis. In January 2016, I conducted fieldwork in Sarajevo, the capital of Bosnia, and in Mostar, in the ethnically mixed canton of Herzegovina-Neretva, where an NGO has successfully litigated against the "2in1" practice.

In the following sections, I elaborate on the consociational approach to cultural autonomy, and then present the stateness problem in Bosnia. Every research project needs a justification, and I provide mine in the third section of the chapter. I then address the issue of researcher bias and the value of a constructivist perspective on conflict, before presenting the outline of the thesis.

1.1.2 Consociationalism and its approach to cultural autonomy

"Broadly interpreted, power-sharing political systems are those that foster governing coalitions inclusive of most, if not all, major mobilised ethnic groups in society (Sisk 1996, 4)." Power-sharing political systems are purported as the only democratic alternative to partition after an ethnic conflict and include the theoretical opposites of the *consociational* and the *centripetal* approaches, which have in common a full-out rejection of majoritarianism (Sisk 1996). In societies that are not deeply divided, those who voted for a political party not elected into government can rest assured that alternation in government will be possible sometime in the future. Power-sharing theorists eschew majoritarian democracy as a model for deeply divided societies because these are societies that are divided along a religious, ideological, linguistic, regional, cultural, racial or ethnic cleavage that is *politically salient* (Lijphart 1977, 3–4). Since all the major political parties in the society are mobilised around that one ascriptive characteristic, it follows that the largest numerical group would succeed in elections, again and again, thereby excluding a significant minority from ever getting a seat in government (Sisk 1996, 4).

Power-sharing approaches aim at constructing conflict-ameliorating democratic institutions in deeply divided societies (Sisk 1996, 33), which is no small claim. John Stuart Mill's deterministic assessment of the prospects of achieving democracy and lasting civil peace in heterogeneous societies, is still shared by many political scientists: "Free institutions are next to impossible in a country made up of different nationalities," and completely impossible when there is a lack of "fellow-feeling" and the people "read and speak different languages" ([1861] 1958, 230). Proponents of power-sharing argue against this pessimistic view (which may even be self-reinforcing) and contend that "it may be *difficult*, but it is not at all *impossible* to achieve and maintain stable democratic governments in a plural society" (Lijphart 1977, 1). Whereas the centripetal approach to power-sharing seeks to encourage the formation of political blocks across ethnic cleavages through institutional engineering, the consociational approach sees ethnic groups as building blocks of national politics in heterogeneous states (Sisk 1996, 6).

Both power-sharing approaches reject coercive assimilation and promote the public and private maintenance of cultural differences; also, they see ethnic parties as a basic fact of political life once mobilised in a deeply divided society, but disagree on whether incentives through vote-pooling can foster moderate political alternatives (McGarry, O'Leary, and Simeon 2008). In Gunther and Diamond's global typology of political parties, the narrow goals and strategies of

the ethnic party make it stand out as a separate type: "The purely *ethnic party* seeks only to mobilise the votes of its own ethnic group" (2003, 183). These parties "appeal to 'sectional' constituencies and explicitly seek to draw boundaries between 'friends' and 'foes' in a *sociocultural* fashion" (Kitschelt 2001, 305). Ethnic parties do not advance a programme for all of society; they are non-universal in nature and aim to secure material, cultural, and political benefits in competition with other ethnic groups (Gunther and Diamond 2003, 184). Two basic dimensions of operationalisation are used in the literature: the extent to which a political party relies on a particular ethnic group for its political support, and whether the political party portrays itself as representing one particular group (Ishiyama and Breuning 2011, 227).

In my thesis, I concentrate on the consociational theory, which is closely connected with its founder and doyen, Arend Lijphart, and, to a lesser extent, with the names of Brendan O'Leary and John McGarry, who label themselves "revisionist consociationalists" (McGarry and O'Leary 2004, 3). The consociational democracy concept is defined in terms of four broad, basic characteristics: *grand coalition governments* that include representatives of all major groups; *cultural autonomy* for these groups; *proportional* representation in political representation and in allocation of resources; *mutual vetoes* with regards to vital minority rights and autonomy (Lijphart 1996; Lijphart 1977). Consociationalists not only seek to map countries that have organised their internal affairs in this manner – they actively seek to promote their introduction in deeply divided societies, to alleviate dangerous frictions between society's main segments. The characteristics of consociational democracy were first presented in *Democracy in Plural Societies* (Lijphart 1977), which expanded on Lijphart's case study on the Netherlands (1968), to develop a behavioural and institutional theory that could also cover Third World Countries. From the original and modest attempts at explaining four Western European cases, consociationalism developed into a universal theory of conflict resolution in divided societies.

I argue that cultural autonomy – as conceived by Lijphart – is particularly interesting to look at. Whereas the other characteristics deal with elite accommodation, cultural autonomy guarantees self-government in matters related to education and culture; while the other characteristics are forms of *sharing* of power at the same level, cultural autonomy refers to a form of *division* of power between groups at different levels, either territorially or non-territorially (Coakley 2009, 123). In the latest version of consociationalism, cultural autonomy has been elevated to the status of a primary characteristic, alongside executive power-sharing, with education as an important component (Lijphart 2008, 4–5). To explain the logic behind cultural

autonomy, Lijphart (1977, 42) included a discussion about the deal that gave the Netherlands autonomous religious schools, general suffrage and proportional representation. Hans Daalder, in a review of his case study, maintained that Dutch elite accommodation practices dated back to the 16th century, and that the consociational Great Pacification of 1917 was not a response to the Dutch cleavages, but actually their *prelude*, since Calvinists, Catholics and Socialists developed their subcultural interest organisation networks only after 1917 (Daalder 1974, 616). The two versions were compatible, according to Lijphart, since the organisational networks of existing subcultures were supposed to be strengthened and used as societal building blocks:

> 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 a stable society (Lijphart 1977, 42).

This statement was reiterated in Lijphart's second monograph on consociationalism, which was published after his alleged constructivist turn. The nature of consociationalism remains intact:

> It is important to understand that consociationalism deals with the potential problems of a plural society not by trying to make the society less plural, but by making it more plural – at least initially […] But instead of creating conflict, the strengthened segments now play a constructive role in conflict resolution (Lijphart 1985, 106).

I argue that these statements still contain the nature of consociational democracy since consociationalism has mainly been developed normatively after 1977 (Bogaards 2000, 409). When his 1977 book came out, primordialism was still common in the social sciences, and Lijphart made no attempts to explain how ethnic boundaries between groups are constructed. According to Brendan O'Leary, consociationalists maintain that "certain collective identities, especially those based on nationality, ethnicity, language, and religion, are generally fairly durable once formed," which makes them sceptical of integration and attempts at transcending ethnic boundaries, something they say often entail a bias towards a particular communal group and a risk of assimilation (2005, 8–9). While working on South-Africa, Lijphart developed a distinction between pre-determination and self-determination, where a society's major groups were to be recognised via the electoral results in an inclusive PR system (Lijphart 1985). But as the second statement shows, the nature of consociationalism remained unchanged. About this later work, Lijphart has stated: "In my consociational writings from about 1980 on, my interpretation of ethnic identity has become mainly constructivist" (2001, 11). Despite this turn, little has been written by Lijphart on the construction and maintenance of ethnic boundaries.

This leads Paul Dixon, a social constructivist, to identify a logical gap: "The consociational essentialism leads them to support a 'kind of voluntary apartheid' that logically prevents them from advocating integration as a means of ameliorating communal antagonisms" (2012, 105). Moreover, the acceptance of "voluntary self-segregation" in linguistic and cultural communities in separate schools (Lijphart 1995b, 279) has not grappled with comparative educationalists' concerns over the linkages between ethnic conflict and education policy (Seitz 2014). My thesis makes a contribution by exploring that interplay, in consociational and deeply divided Bosnia.

1.2 Post-war case: Bosnia and Herzegovina

1.2.1 Civil war and the stateness problem

Following referenda and unilateral decisions to secede from Yugoslavia, by the national parliaments in Slovenia and Croatia on 25 June 1991, the Serbian-controlled Yugoslav People's Army (YNA) fought Slovenia for ten days, and later launched a full-out attack on Croatia, with fierce battles raging from Dubrovnik in the south to Vukovar in the north, but on a lesser scale after a peace agreement was brokered by the international community, in January 1992. The Bosnian republic (RBiH) reluctantly held its referendum between 29 February and 1 March 1992, at the request of the European Community. Three options were conceivable for this multi-ethnic republic: to remain a part of Rump Yugoslavia, which was controlled from and loyal to Belgrade; to partition its territory, as many Serbs and Croats wanted, which was impossible to achieve peacefully; or to declare its independence, which it did on 3 March (Mønnesland 2006, 287–288). Separate Serb and Croat republics had long been declared on Bosnian territory, and the Serbs were instructed by their leaders not to participate in the referendum. Out of the citizens who did participate in the referendum, 99.4 per cent voted in favour of secession, which amounted to 63.4 per cent of all citizens with a right to vote (Ramet 2002, 206). The Croats and the Bosniaks also differed in their views on the future of the Republic, and fierce inter-ethnic battles were fought in 1993 and 1994 (Mønnesland 2006, chaps 12–13; Ramet 2002, 49–78).

Official UN statistics from 2010 have estimated 104,732 direct battle-related casualties in the war fought between 6 April 1992 and 15 November 1995 (quoted in Ramet 2013, 12). Narratives of the war were in one meta-analysis found to have been subsumed under the headings of either *international* or *civil* war, and elements of ethnicity, history, nationalism, economy, religion, and genocide were presented to support this overall narrative (Campbell

1998, 367). This meta-analysis warned against the vice of moral levelling, which I avoid by adopting a stance similar to that taken by Sumantra Bose. Bose posits that the term civil war captures how all the major warring parties were part of *one* republic until the breakup of social-ist Yugoslavia (SFRY), and while the three belligerent neighbouring states of Croatia, Serbia and Montenegro added an important international dimension, this does not change the fact that the great majority of combatants came from Bosnia and Herzegovina (2002, 21). This interpre-tation is fully in line with the Correlates of War Project (COW), which conventionally defines civil war as military action between two or more groups within the internationally recognised territory of a state, with active involvement by the central government and effective resistance on both sides, resulting in at least 1,000 battle-related deaths (Sarkees and Schafer 2000, 129).

The at times heated discussion in academia on how to properly conceptualise the Bosnian war – as a civil war or an international aggression war – deals fundamentally with the legitimacy of the sovereignty and borders of the Republic of Bosnia and Herzegovina (RBiH), which succeeded one of Yugoslavia's six constituent republics (Bose 2002, 19). Following the UN Charter art. 2 (4), the concept of aggression war means "threat or use of force against the territorial integrity or political independence of any state". For those who recognise RBiH as a sovereign state separate from Rump Yugoslavia, it follows by definition that it was an aggression war on the part of Croat and Serb forces; this view is irreconcilable with the opposite view, which holds that RBiH was still a part of Rump Yugoslavia and that the war was fought within the borders of that state (ibid.). The discussion points to a general observation on state legitimacy made by Robert Dahl, which is of utmost importance in dealing with war-time RBiH, as well as contemporary Bosnia: "We cannot solve the problems of the proper scope and domain of democratic units from within democratic theory. Like the majority principle, the democratic unit presupposes a unit. *The criteria of the democratic process presuppose the rightfulness of the unit itself.* If the unit itself is not [considered] proper or rightful – if its scope or domain is not justified – then it cannot be made rightful simply by democratic processes (Dahl 1989, 207, emphasis in original)." The continued relevance of this quote is, for example, seen in the talks in Republika Srpska about holding a referendum on independence from Bosnia, within 2018.

The Bosnian civil war was a prime example of what Linz and Stepan terms the "stateness problem", with profound disagreement between the three major ethnic groups with respect to what should constitute the polity, and what *demos* or *demoi* should be members of that political community. The stateness problem arises when there are "profound differences about the

territorial boundaries of the political community's state and profound differences as to who has the right of citizenship in the state" (Linz and Stepan 1996, 16). The first of two immensely important compromises on state institutions was reached with the Washington Agreement, in March 1994. Bosnian Croats and the Bosnian government, associated with the Bosniaks and led by the Bosniak party SDA, agreed to "transform the internal structure of the territories with a majority of Bosniak and Croat population in the Republic of Bosnia and Herzegovina into a federation, which is composed of federal units with equal rights and responsibilities."[5] The Washington Agreement, which forms the backbone of FBiH's current constitution, allocated certain exclusive and shared responsibilities to the central level; otherwise, its ten constituent cantons were to have "all responsibility not expressly granted to the central government". Such cantonal responsibilities included "in particular" matters related to education and culture.[6]

1.2.2 Externally dictated peace agreement

International diplomats launched several attempts at brokering peace between the warring factions during the war.[7] The plans all had in common that territory taken by force could be traded in at the negotiation table, in disagreement with the Helsinki Accords from 1975 and a principle in international law called *uti possidetis, ita possidetis*, that was established after the decolonisation of Latin-America and Africa, and which stated that the internal administrative borders were to be kept if an existing state was dissolved (Ramet 2002, 210). But as Robert Dahl argues above: the legitimacy of a polity is distinct from legal matters, and the civil war was a testament to a fundamental disagreement on Bosnia's future. "The Invincible Plan" from September 1993, named after the British carrier were it was done, went the furthest in proposing what was technically a confederation, opening up for changes to the state's external borders. Despite this one proposal, the Bosnian state may accurately be said to owe its continued survival to it being a member of the international society, with its internationally recognised borders, much like Jackson and Rosberg (1982) once argued for fragile states in Sub-Saharan Africa.

The Dayton Peace Accords (DPA), formally "The General Framework Agreement for Peace in Bosnia and Herzegovina" (GFAP), was initialled 21 November 1995, on a remote American military airport in Ohio. NATO bombings had undermined the military strength of the Bosnian

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[5] "Washington Agreement", art. I
[6] "Washington Agreement", art. II 2.3
[7] Documents from the Wars of Yugoslav Succession have been published in *International Conference on the Former Yugoslavia: Official Papers*. For peace-building in Bosnia, see Ramcharan (1997, vol. 1, chaps 1–4).

Serbs, "ethnic cleansing" was virtually complete, and Zagreb and Belgrade were now willing to rescind their support for their ethnic allies (Belloni and Deane 2005, 230). Bosnian Croat and Serb leaders were excluded from the proximity talks when the Croatian and Serbian governments requested it and were absent at the signing in Versailles. "The Dayton environment, in short, was tailored to end a war (O'Brien 2010, 336)." Reflecting the fact that "Bosnia is a state by international design and of international design" (Bose 2002, 60), US and EU lawyers would agree on text proposals to present to the warring parties. The GFAP counts 11 annexes covering military and territorial aspects, but also a host of civilian aspects: elections, arbitration, human rights, refugees, national monuments, police and civil implementation. Annex 10 established the Office of the High Representative (OHR) and gave the international community authority to oversee civil implementation, which was later bolstered with the sweeping and controversial Bonn powers, in 1997, and used extensively for a decade (Nystuen 2005, 244–6).

The second lasting compromise on state institutions struck during the civil war, tailored what became perhaps *the* most complicated federalist system of government in the world. More than anything, Dayton has become synonymous with the unique Constitution found in Annex 4: "Since it was part of a peace treaty, the Constitution was drafted and adopted without the application of procedures which could have provided democratic legitimacy. It constitutes the unique case of a constitution which was never officially published in the official languages of the country concerned but was agreed and published in a foreign language, English (ECtHR 2009)." Art. I (1) reaffirms the legal existence of the Bosnian state under international law, with its internationally recognised borders, whereas the internal state structure is determined by the Constitution, (and subsequent interpretations made by the Constitutional Court). Art. I (2) states that BiH consists of two entities, which are separated by the Inter-Entity Boundary Line, stipulated in Annex 2, which closely follows the military positions of the warring parties in November 1995. The entities are joined at the state level, whose jurisdiction is regulated primarily in art. III, with a small portfolio of specific responsibilities listed in art. III (1). The entities are required to assist the state level in order for it to reach its international commitments, but have wide competencies; the key provision concerning the division of power is art. III (3) (a), which states that: "All governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities."

1.2.3 Tensions in the Dayton Constitution

Great tensions are embedded in the Constitution, between state and entity level institutions, and between individual human rights and group rights offered to the constituent peoples. The GFAP marked the end of almost four years of fighting, but could not reconcile competing visions of the state (Magill 2010, 16). Dayton hosted intense discussions on state institutions and their composition with regards to ethnic quotas. Considerable human rights protection, however, was quickly agreed upon in the negotiations, and are found in the Constitution's chapter on human rights and fundamental freedoms, but also in the annexes 6 (on human rights), 7 (on refugee return), and 11 (on police) (O'Brien 2010, 338–9). Annex 6 even established a Human Rights Commission, to monitor and decide on issues within its jurisdiction, notably the European Convention on Human Rights (ECHR). The tensions were never resolved, as BiH is home to three political communities with separate interests: "those primarily loyal to the Bosnian state, usually but not always Bosniaks; those loyal to Republika Srpska (RS), usually Serbs; and those desirous of Croat self-government, usually Croats (International Crisis Group 2014, ii)."

The European Court of Human Rights (ECtHR), in an important 2009 ruling, condoned the rules found in the Constitution and the Election Law, which prohibit people not Bosniak, Croat or Serb from seeking positions in the Presidency or the House of Peoples. The Sejdić-Finci v. Bosnia case, named after the Roma and Jew litigators, in effect questions the whole power-sharing system employed in Bosnia, and was anticipated by international lawyers back in 1995 (Nystuen 2005). The ECtHR ruling demanded changes to the Constitution and the Election Law, but much in line with how politics are normally done in BiH, constitutional changes have been postponed due to a "lack of political will" (Mujkić and Abazović 2015). Consociational institutions were designed to reduce the consequences of disagreement, but rely on a common understanding of the need to avoid immobilism, and have in fact proven extremely inefficient: "Because the various ethnic elites maintain zero-sum views of each other, institutions do not provide incentives for cooperation […] Ethnic guarantees, such as minority vetoes, have the perverse effect of increasing the possibility for mutual intransigence" (Belloni and Deane 2005, 233; Bahtić-Kunrath 2011). Rather than strengthening the position of "(Others)," the Sejdić-Finci decision has become mainly about how to better protect the interest of the Croats (Perry and Keil 2015, 87), which again shows the potency of the three main political communities.

Questions of institutional legitimacy and protection of individual rights versus group rights, are

accentuated in Bosnian schools, which according to the UN Special Rapporteur on Education are subject to politicisation and fragmentation, with the effect that "in practice, the school becomes a sort of 'cold war' zone where students become victims of the bitterness and stereotypes projected by adults" (Muñoz 2008, para. 72). Consociationalism combines elite rule with cultural autonomy, and in Bosnia, where education is perceived as a political tool, this has opened up for segregation as well as discrimination (ibid.). Since one of the major criticisms levelled against consociationalism is an entrenchment of ethnic divisions (Brass 1991, 342), it is puzzling that cultural autonomy and schooling in Bosnia has not received more attention.

1.3   Justification of the research project

"There is no such thing as a logical method of having new ideas, or a logical reconstruction of this process," Karl Popper ([1956] 2005, 8–9) writes, further observing that "every discovery contains an 'irrational element', or 'a creative intuition'". Taking his distinction between the process of conceiving a new idea, and the methods and results of examining it, as a starting point, Keohane, King, and Verba argue that the process of designing a research project should move toward satisfying the twin criteria of *practical ability in real life* and *contribution to scientific progress*. The examples KKV name to illustrate Popper's distinction, are quite peculiar: "But there are no rules that tell us whether to study educational policy or ethnic conflict (King, Keohane, and Verba 1994, 14)." I have chosen to study exactly those aspects of the Bosnian society in my research project, due to judgements of a societal, scholarly and personal nature. Pertaining to the first criteria, the research project "should pose a question that is 'important' in the real world" (King, Keohane, and Verba 1994, 14). Around 104,000 people remain internally displaced after the civil war, and a major cause of prolonged displacement in Bosnia has been exclusivist, mono-ethnical schools (IDMC 2014). Upon return, minority refugees have been forced to choose between assimilation through curriculum and teaching methods decided on by the population who forms the ethnic majority in that area, or to reject their schools, and opt for segregation over assimilation (Pašalić-Kreso 2008, 364). The OSCE Mission to Bosnia has been given a lead role in education, and has framed education as a "post-conflict security issue":

> It is not an exaggeration to note that the country will only be as successful, stable and united as its schools. If the voters of tomorrow are educated according to the norms of nationalist division and exclusionary ethnic principles, BiH will remain at constant risk of further fragmentation or dissolution (OSCE 2008).

Bosnia formally applied for membership in the European Union (EU) in February 2016, and demands on education are likely to become more serious, but the international community has been pushing for educational reforms for 15 years already, and education is widely considered to be one of its failures in BiH. Before the 1999–2000 school year, four years after the war ended, the Office of the High-Representative (OHR) attempted to arrange for annotations and removal of offensive language in all Bosnian textbooks, by the means of black ink and stamps (Low-Beer 2003). These were only the first, basic steps by the international community in BiH[8], and they were much-needed steps, as comparative educationists have reported of ethnocentric curricula, with history books projecting enemy images of the others, and with little appraisal of human rights and democratic values (Torsti 2007; Kolouh-Westin 2004). The "two schools under one roof" were formed as an interim solution introduced by the international community but remain segregated. The real-world importance of my research topic is, therefore, significant.

According to the second criteria, the research project "should make a specific contribution to an identifiable scholarly literature by increasing our collective ability to construct verified scientific explanations of some aspect of the world" (King, Keohane, and Verba 1994, 15). One strategy towards making a contribution is to: "Design research to illuminate or evaluate unquestioned assumptions in the literature" (ibid., 17). I argue that education is a component of increasing import in Lijphart's theory, but that consociationalism has not at all theorised the 'negative face of education' (Bush and Saltarelli 2000). O'Leary (2005, 7) has elsewhere used the tropes of Hirschman's *The Rhetoric of Reaction: Perversity, Futility, Jeopardy* (1991) to classify arguments levelled against consociationalism, and noted that the futility argument is the easiest to refute: If there are actually no consociations existing in the world, consociations cannot have perverse and jeopardous consequences. I agree with that theoretical defence, and I agree that some countries (including Bosnia) classify as consociations, but note that there is no agreement on how consociational cases should be counted (in no small part due to conceptual confusion); generalisation across a population of cases is thus not the aim of my research.

The purpose of my research project is theory-development, which I will proceed doing by exploring the consociational approach to cultural autonomy, at the national and the local level

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[8] The collective term *international community* include the international diplomatic organisations (OSCE, OHR, EU/EUSR, CoE, NATO, UN organisations, etc.), embassies and the large development agencies (USAID, SIDA, DFID, etc.) (Perry 2013, 226). The term includes also the Peace Implementation Council (PIC), which consists of 55 member states, INGOs and observers, and concerts support for civilian peace processes in Bosnia.

(cantonal and federal), in Bosnia and Herzegovina. I study more than one level and employ an *embedded single-case design* (Yin 2014, 53–54). I position my master thesis in reference to the consociational framework developed by Lijphart, which started out as an empirical theory whose primary function was to describe how consociations worked. Bosnian education works according to the logics of the 'negative face', where the impact of education is destructive rather than constructive. Bosnia is classified as a *deviant case* (Gerring and Seawright 2008, 297) because it deviates from the consociational prescription to have cultural autonomy in education: the consociational approach rather contributes to perpetuating ethnic conflict. Analyses of deviant cases can have "great theoretical value" by weakening an existing proposition and propose a modified proposition that may be stronger (Lijphart 1971a, 692). This type of case studies are set in a specific theoretical and empirical context, which makes them "implicitly comparative analyses" (ibid., 693). The modified proposition opens an avenue for future research, which should be subjected to cross-case analysis to establish its representativeness. These methodological issues are presented in brief here, and will be elaborated on in chapter 4.

Going back to the process of coming up with an idea, KKV note that researchers often have personal inclinations that influence the decision to become a social scientist, and to choose a particular research question (King, Keohane, and Verba 1994, 14). This holds true for me as well, who first got interested in the Western Balkans as a student at the Nansen Academy at Lillehammer, in 2009–2010. Before being enrolled at the University of Oslo, I took a course devoted to the dissolution of Yugoslavia, and its aftermath, which included two field trips to Croatia, Bosnia, and Serbia. One of the places we travelled to was the Bosnian town of Stolac, where the first "2in1" school was established. After the war, a small contingent of Bosniak minority children was following the Bosnian curriculum under hugely inadequate conditions, only 500 meters away from the spacious, Croat-controlled school building. The Bosniak parents refused to have their children learning the Croats' curriculum, in the Croatian language. When the Bosniaks in 2000 were re-introduced to the school, refurbished with World Bank funds, the Croat and Bosniak children would be educated in different classrooms, in separate shifts, and neither teachers nor students would mix (Swimelar 2013, 170). Originally conceived by the international community as a step towards integration, segregation was still in place in 2009–2010, and, as I found out while looking for a research topic, it was still in place in 2014–2015. My prior knowledge of the issue, coupled with personal contacts through the Nansen Academy, led me to the belief that educational policy and ethnic conflict could be studied, and that such a project would, indeed, have societal value and add to the discipline of comparative politics.

1.4 Constructivist perspective on ethnic conflict

The assistant minister responsible for Pre-Primary, Primary and Secondary Education in the FBiH pointed out at the beginning of our interview, that Bosnia had become *very interesting* in the sphere of education – before he observed: "I think that it would be better to be well known because of the success of our pupils, not because of the reason you came."[9] To this remark I could answer nothing but: "Mhm… You're probably right." Researcher bias is a concern when doing exploratory research, and the key strategy to address it, is through *reflexivity* – which calls on the researcher to engage in critical self-reflection on potential biases and predispositions (Johnson 1997, 283–284). Case studies involve an iterate dialogue among theory, research design and data (McKeown 2004), and in the end, questions of validity in qualitative research comes down to whether the process and the conclusions are "plausible, credible, trustworthy, and, therefore, defensible" (Johnson 1997, 282). A justification of my qualitative research project was provided in the previous section, which by necessity had to include judgements of a personal nature. That section explained how my background led me to formulate a specific research question, and the chapter on methods will explain how data were collected. I have prioritised transparency, and therefore at times opted to use "I" in the text. Throughout the analysis, and in the following discussion, I will in honesty try to account for the whole reasoning process leading to my conclusions (King, Keohane, and Verba 1994, 26). Nuanced terminology, along with thorough chapters on theory and methods, supports my belief that the research process, and my conclusions, are in fact "defensible" (Johnson 1997, 282).

The "self-styled realism" that Brendan O'Leary attributes to consociationalism is juxtaposed with the views of social constructionists, liberals, and socialists: "[C]onsociationalists think that they show a distressing lack of self-consciousness on the part of the relevant persons about their own cultural baggage and how it might be read by others" (2005, 9). It may be in good faith, O'Leary writes, but their calls for integration often entail a bias, and cloak partisan endorsement of one community (ibid.). Such use of false dichotomies and rhetorical skills has been used to explain the academic success of consociationalism, rather than its value as a coherent theory (Lustick 1997, 89; Dixon 2012, 100). Nonetheless, his argument offers a good opportunity to exercise reflexivity. I use a *constructivist* lens to understand how ethnic boundaries are being constructed, influenced by social anthropology. The key assumption is that "[t]he social and

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[9] Strujo, Ismet. *Interview*. Federal Ministry of Education and Science. Mostar, 20.1.2016: ministry.

political world is not a given but an inherently intersubjective domain – a product of social construction", which entails that "[o]ur beliefs play a crucial role in the construction of our reality" (Hay 2002, 24). This assumption is uncontroversial: calls for cultural autonomy in education are founded on the belief that the substance of schooling matters – and explains why it is given special attention in consociational theory. Ethnic boundaries are socially constructed, and schooling feeds into this process. To acknowledge that group identities are sometimes fluid, does not exclude the possibility that they could just as well be sticky: "Constructivists recognise that identities may be more or less malleable depending on the circumstances and that realism about current circumstances, and the prospects of bringing about change, is an important part of achieving feasible political change towards a more ideal society (Dixon 2012, 112)."

Social constructivist Paul Dixon separates between a pessimistic consociational, an optimistic transformational, and a constructivist perspective on conflict management (2012, 116). Unlike consociationalism, which is a universal theory about politics, constructivism is an approach to *analyse* politics, and does not make *ex ante* predictions about the nature of ethnic identities, separate from time and space. And in contrast to the transformational civil society perspective, a constructivist account does not simply explain ethnic conflict as the product of radical instrumentalism on behalf of malign political elites. Delusions about the prospects of inter-ethnic reconciliation, if only the political elites would behave responsibly, is not characteristic of a constructivist account of conflict. Dixon points to Umut Özkirimli, who argues against an instrumentalist top-down view, and who explains why the content of thirteen years of primary and secondary education may matter a great deal: "National identity is produced, reproduced and contested in the taken-for-granted details of social interaction, the habits and routines of everyday life […] Everyday forms of knowledge are rarely subject of conscious reflection, because they constitute part of the arsenal of skills required to sustain social life (2005, 191)."

Attitudes and perceptions is one of three inter-connected components in the basic structure of conflict: *attitudes* (mental, constructed and subjective) are affected by the *conflict situation* (material), and by the *behaviour* of others (also material), and may in turn influence what issues are perceived to be in dispute, and cause changes in conflict behaviour (Mitchell 1981, 55). During fieldwork in Mostar, I conducted a forty-minute-long interview with a Bosniak deputy director at the city's nominally integrated Gymnasium, and who later had to annul our interview because his Croat counter-part at the school had not been present. The fear of making mistakes and causing misunderstanding in a divided society – exposed in this little detail of social life –

should not be ignored, and is one main reason why an approach perceptive to societal particularities is most desirable in analyses of ethnic conflict. This detail from my in-depth case study also goes against the criticism that the method is biased towards confirming the researcher's preconceived views, assumptions, and concepts (Flyvbjerg 2006, 324–235). It shows why any attempt at school integration will have to be in the form of patient, incremental inter-ethnic collaboration, a point made evident by [the need for] two decades of work to combat divisions in schools across the Western Balkans, by NGOs like Schüler Helfen Leben and the Nansen Dialogue Network (Devine, Nikolic, and Stokke 2008; Sivertsen 2015; Emrich and Rickerts 2007).

1.5 Outline of the thesis

The thesis has seven chapters, and this last section of the first will outline them all, in brief.

- **Chapter 1** has presented and justified the research question, and discriminated between a consociational prescription and an approach. The importance of the stateness problem and the tensions inherent in Bosnia's power-sharing institutions were highlighted. Finally, the added value of a constructivist perspective in analyses of ethnic conflict was defended.

- **Chapter 2** makes sure to respect local conceptualisations when the Bosnian society is related with social anthropological work on the construction of ethnic boundaries.

- **Chapter 3** reviews consociational theory development and substantiate the claim that the 'negative face of education in ethnic conflict' has not been properly theorised, and attributes this to an instance of conceptual stretching, with consequences for the prescriptions made.

- **Chapter 4** explains the case study as a method and research design, and how data collection and fieldwork were conducted. The chapter ends with a section on ethical considerations.

- **Chapter 5** analyses divisive schooling in post-war Bosnia by using the "two schools under one roof" as an entry point. It explores a wildly fragmented educational governance system and discrepancies between law and practice, before showing manifestations of educational protectionism, in the form of ethnically slated curricula and various forms of segregation.

- **Chapter 6** discusses implications for the consociational prescription to have cultural autonomy, and discriminates between a prescription at the threshold *contra* a product of resolved conflict. The lack of a fundamental recognition of equality in Bosnia is discussed.

- **Chapter 7** concludes by giving a condensed answer to the research question, pinpoints the scholarly contribution of the thesis, and makes two concrete suggestions for future research.

2 Concepts, history, and culture

"I mean, everything is about ethnicity, and politicians, […] they use this ethnic identity, and this is at this moment the best possible way [for them] to keep themselves on the power," explained the very first informant I interviewed during my three weeks in Sarajevo and Mostar.[10] Ethnicity and identity politics was literally a part of every conversation I had in that country, of those lasting for more than five minutes. This has not, however, as this chapter will explore in closer detail, not always been the case. Religion – and not language or ethnicity – has traditionally been the foremost identity marker. I interviewed a professor emerita in comparative education during my fieldwork, and she told me about her grandmother, who was born in 1890 and who lived in Bihać before the Second World War, in north-western Bosnia:

> 'Oh! When they had Christmas I was there, or Easter, or I was for Jew celebration, we prepare together food, we borrow to each other, we visited each other, and it was, you know, just respect'. She always mentioned they were religious [laughs], but nothing else, because they spoke [the] same language, same, they divided [sic!] same you know neighbourhood, same street, everything. But for her, [the] only difference was [that] they believe [in] that God, I believe [in] that God.[11]

There is, *of course*, a heavy scholarly debate about the essence of this quote – whether ancient hatreds, acquiescence and tolerance, or blossoming multiculturalism is more characteristic of the lives of the people in the historical area of Bosnia. One political scientist from Croatia, for instance, claims that: "In more than five centuries of shared history, the members of the three major religious and ethnic communities never permanently, unitedly and massively stood behind one state (Kasapović 2006, 7)." According to this interpretation, Bosniaks felt religious and political allegiance only to the Ottoman Empire (from the mid-1400s to 1878), the Croats to the Austro-Hungarian Monarchy (1878–1918), and the Serbs to Yugoslavia (1918–1992). Mostar, Tuzla and Sarajevo appear to have been genuinely multicultural cities before the civil war, but generalisations drawn from cities and urban areas cannot be extended to Bosnia as a whole (Bose 2002, 17). Attempts to determine how coexistence between people "really" was like, are futile, and fail to appreciate that this complex country, throughout its history, has consisted mainly of small rural communities (Bringa 1995). This chapter aims to present a nuanced overview of some social aspects of ethnicity in Bosnia, and is an integral part of my case study.

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[10] Brkić, Ljuljjeta Goranci. *Interview*, 5.1.2016, Sarajevo: Nansen Dialogue Centre, office. Senior adviser
[11] Pašalić-Kreso, Adila. *Interview*. 8.1.2016, Sarajevo: University of Sarajevo, Faculty of Philosophy.

2.1　Social anthropological perspectives on ethnicity

Ethnicity is a tricky phenomenon, which is why it falls into the category of concepts were no definition is agreed upon. Thomas Hylland Eriksen (2002, 19) identifies two aspects of ethnicity that are generally undisputed: Firstly, it is fundamentally an aspect of group relations, not an aspect of any one single group. It is not meaningful to speak about ethnicity in a society where everyone is alike, and regard each other as being such. Secondly, the systematic differentiation between groups entails classifications of individuals, as being either "in" or "out" of the group – as a part of either "us" or "them". Ethnic boundaries are social constructs that are being constructed through sustained contact between groups. In the introduction to what has become the standard reference in research on ethnicity, Fredrik Barth declares that the drawing of ethnic boundaries, and the consequences these have, should be the primary object of interest for social anthropologists, who study human relations at the micro-level. Barth's focus is locked on social organisation – "the ethnic *boundary* that defines the group, not the cultural stuff that it encloses" (1969, 15). The cultural stuff may change, and the way a group is being organised can also change, without there being any changes to the boundaries that demarcate an ethnic group. Therefore, Barth warns his colleagues not to "assume that boundary maintenance is unproblematical and follows from the isolation which the itemized characteristics imply" (ibid., 11).

Barth adopts a subjective, insider-perspective and considers some "categorical ascription as an ethnic ascription when it classifies a person in terms of his basic, most general identity, presumptively determined by his origin and background" (1969, 14). From this perspective, there are no objective criteria, such as racial or cultural differences, social separation or linguistic barriers, spontaneous or organised animosity, that *eo ipso* can explain why the members of one group consider themselves as being different from those of another group. "To the extent that actors use ethnic identities to categorize themselves and others for purposes of interaction, they form ethnic groups in this organizational sense" (ibid.). Barth focuses on those characteristics that happen to be *socially effective* in forming a group: "It makes no difference how dissimilar members may be in their overt behaviour – if they say they are A, in contrast to another cognate category B […] they declare their allegiance to the shared culture of A's (ibid., 15)". The thrust of this argument is supported by one of the case studies included in the anthology edited by Barth. The lifestyle of central Norwegian mountain peasants, anno 1969, was very different from that led by lowland peasants in Norway, but the mountain peasants nonetheless shared the same general values, and considered themselves Norwegian (Blom 1969).

Only when cultural differences are being emphasised and made important in interaction with other groups are those differences relevant for the construction of ethnic boundaries (Hylland Eriksen 2002, 38). To illustrate this general point, Hylland Eriksen uses the splitting of one language, Serbo-Croatian, into separate languages. Following the dissolution of Yugoslavia, attempts have been made to define four languages: Serbian, Croatian, Bosnian, [12] and Montenegrin (Greenberg 2008). The similarities between them are great: a Croat would, for example, say "mlijeko" for milk, while a Serb would say "mleko,"[13] because they a speak a variant of the same dialect. The variants of Shtokavian, *ekavski, jekavski, ikavski*, is named after the phonological variation between e, ije, and i (Arraiza 2014, 13), and are discussed in the last section of section of this chapter, on language and history. How language can be used to demarcate ethnic boundaries was demonstrated by a student at one of the "two schools under one roof" in the Herzegovina-Neretva canton, in a documentary from 2009, produced by the non-governmental organisation Schüler Helfen Leben (2014). A member of the school council for the Bosnian curriculum in the segregated primary school in Stolac, explained that there were grammatical differences between Croatian and Bosnian that he did not want to hear about because he did not want to learn the language of a country he was not living in, referring to the state of Croatia. When asked about what foreign languages they were being taught in school, he answered German and English, and then had to explain that he did not have to learn Croatian, since all the post-Yugoslavian countries had very similar languages, with minor differences.

The interviewer then asked: "What would happen if the schools unite? When the Croatian chemistry teacher would teach chemistry to all of you? Would you be able to understand her?"

The student answered: "I would be able to understand, but the question is: Would I want to?"

This excerpt ended their talk. The build-up of this interview was speculative on the part of the intellectually superior interviewer, and the student seemed uncomfortable with the situation; when he answered this last question, he licked and then bit his lip. It became obvious that the arguments he used were not his own, and that he had not thought them readily through. The excerpt shows how arguments about language can become socially effective in drawing ethnic boundaries despite there being no "big difference[s]," as the student first had claimed. This kind of language protectionism has been an important vehicle for upholding divisions in schooling.

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[12] I will consistently use the term Bosnian to name one of the languages used in Bosnia, and not Bosniak. Bosnian is generally preferred by people who do not to refer to their language as either Croatian or Serbian.
[13] Pašalić-Kreso, Adila. *Interview*. 8.1.2016, Sarajevo: University of Sarajevo, Faculty of Philosophy.

2.2 Nations and nationalism

The three largest ethnic groups in Bosnia are also nations, which have constitutional rights given to them as "constituent peoples" of that state; this term carries normative content and is found in the Constitution's preamble. Their constitutional rights define their relationship to the federal state, and guarantee them both autonomy and power-sharing, at the state-level and the various entity-levels. In the Bosnian context, "ethnic groups" is more often used than "nations," but as Hylland Eriksen points out (2002, 98–100), nationalism tends to rely on an ethnic group, a point that is evident in Ernest Gellner's classical definition of this concept. Gellner (1983, 1) understands nationalism as primarily a political principle, that "the political and national unit should be congruent," and as a theory of political legitimacy, which demands that political borders should not cross ethnic boundaries. The nation is usually an ethnic group that demands control over the state. This picture becomes more complicated when the *state* itself points out what groups that get to rule themselves, as was the case in the Soviet Union, where the state was actively creating ethnic identities, often without any historical background (Kolstø 2008).

According to another classical definition, this one provided by Benedict Anderson, the nation is "an imagined political community – and imagined as both inherently limited and sovereign" (1991, 6). Unlike a state – but much like an ethnic group – a nation has neither elected leaders, a legitimate apparatus for the use of power, nor any formal rules for membership: "Whereas a state can exist on the basis of external conformity with its rules, a nation requires some internal identification," write Linz and Stepan (1996, 22). Nations and ethnic groups are imagined communities, and the processes of systematic differentiation between groups are similar, and quite often identical: "The distinguishing mark of nationalism is by definition its relationship to the state (Hylland Eriksen 2002, 5)." An ethnic group is thus a nation when its political leaders demand that "political boundaries [are] coterminous with cultural boundaries (ibid.). Although not elected, there will often be elites that grab the role as leaders, and these often consider the use of force to further the nation's cause, motivated by what Gellner (1983, 1) calls a "national sentiment," that is, an incongruence between state borders and those of the nation.

An alternative way of defining "nation" has been put forth by Michael Keating (2001, 3), who regards the demand for self-government as an *essential* part of a nation, and who claims that such demands carry a special moral status. Keating classifies previous attempts to explain a nation's normative foundations, in three different strains: crude primordialism, self-governed

communities that have been constituted over an extended time period, and people who share a self-understanding as a nation and a desire to govern themselves. His approach is both normative and empirical, and favours the third justification. This is relevant here because Keating, unlike Hylland Eriksen above, also considers self-government *within* an existing state – as the constituent peoples have, it may be argued, in Bosnia – and because the other justifications favour already established nations. In Bosnia and Herzegovina, ethnic Muslims have often been considered "really to be Croats" by the Croats, and "really to be Serbs" by the Serbs. The social anthropologist Tone Bringa explains how the nation-state-aspiring, ethnically focused Serbs and Croats differed from the Bosnian Muslims, with whom she lived before the war, in 1987:

> The symbol of blood referring to common descent is, for example, used by Bosnian Serbs. By contrast, the Muslims referred to their collective identity in an idiom which de-emphasized descent ('ethnicity') and focused instead on a shared environment, cultural practices, a shared sentiment, and common experiences (Bringa 1995, 30).

According to the moral philosopher Arne Johan Vetlesen, the issue of collective identity was a crucial component of the genocidal acts committed during the civil war, when "people were pinned to the wall of nationhood and robbed of alternative ways of identifying themselves and others" (2005, 157). Vetlesen calls this phenomenon "generic attribution," which in effect collectivises agency: "The consequence of collectivizing agency is that the distinction between individual and group is blurred to the point of being obliterated (ibid., 158)." Individual experiences merged into opposing collective memories after the war, observed social anthropologists on work in Mostar and Vukovar, in North-Eastern Croatia. This phenomenon was called "ethnization" of memories: "By this term we mean that a memory itself and interpretation of the past become ethnically exclusive, creating subjective, psychological realities and different symbolic meanings of common events in people who belong to different ethnic groups" (Freedman et al. 2004, 157–158). The cultural traditions of the three Bosnian nations are interwoven – language, rituals and practices are similar, and cannot be understood separately (Mujkić 2007, 117). Asim Mujkić, a political scientist at the University of Sarajevo, claims that the genocide and "ethnic cleansing" of the 1990s were means to invent ethnic narratives separate from those of the other nations, and that these separate narratives have been projected through the Dayton Peace Accords, and later through segregation in primary and secondary schooling. He calls contemporary Bosnia an "Ethnopolis," where ethnic groups are given political priority over individuals, where a citizen's membership in the Bosnian political community comes second to, and depend on, a membership in an ethnic community (2007, 116).

2.2.1 Social aspects of ethno-nationalist politics

In her essay, 'What is a nationalist?', the social anthropologist Larisa Kurtović complicates the notion of nationalism in Bosnia as merely a "matter of conviction," by examining the "processes whereby people come to enact, reproduce and make real nationalist frameworks irrespective of their values or intentions" (2011, 242). She hypothesises a form of pragmatism, that combines the need 'to carve out a place for oneself in this context' and a perception that ethnic parties have the means of distributing scarce resources and opportunities (ibid., 246). Ethnic divisions increasingly "form the grid for allocation to resources, jobs and desired private futures" – and what more is: "They organize life in such a way that almost invalidates the question of whether or not they are based in deeply held convictions" (ibid, 248). One of my informants called this kind of pragmatism "narrow self-interest" and offered a simple example of how the allocation of resources affects voting in a country with political patronage and party ownership over weak institutions: "If your uncle is getting 200 Euros a month at the local factory, and you know you have to vote for the party in charge for him to keep that job, then that is a rational choice. Outsider promoters for reform may not like it, but it's rational for that individual."[14]

During an interview with the main Croat party in Mostar, the HDZ leader of pulled out a list from his drawer, to show that a majority of the united City administration was Bosniak. "The best thing is to have numbers." His printed list had 26 different institutions on it, with the number of employees working in each. The institutions were marked "B," "H" or "1/2 B H," written with a ball-point pen. This list indicated that the 22 regular institutions had 238 Bosniaks and 174 Croats employees, and included, among other things: a cultural centre, a house of culture, a centre for social work, a health centre, a library, a puppet theatre, a symphony orchestra, a theatre, a museum and an elderly centre.[15] Proportionate representation for the "constituent peoples" and "(Others)," in accordance with the 1991 census, has been implemented in the civil service authorities in Bosnia, with the reasoning that it is a "constitutional principle," and applies to a range of specified senior positions in FBiH.[16] However, ethnic parity within institutions is a *legal exception*, and rules granting the constituent peoples political representation cannot be extended to positions that are not covered by law; special collective rights have to be narrowly defined to avoid collision with the principle of non-discrimination (Ademović and

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[14] Perry, Valery. *Interview.* Sarajevo, 10.1.2016: Linea M Kafé.
[15] The two-page document "USTANOVA GRADA MOSTARA*"* was presented during interview with Damir Dzeba, Mostar, 15.1.2016. HDZ Mostar, party leader. Photocopy on record with the author.
[16] "Law on Civil Service of the Federation of Bosnia and Herzegovina", ch. I art. 2.

Steiner 2010, 67). That list covered *all* positions in the City administration, which is an unlawful extension of the principle of ethnic parity, and is a symptom of the ethnic frameworks Kurtović discusses in her essay. Because of the extent of patronage, she writes that exposing corrupt politicians is not likely not make much difference to most Bosnians: "Chances are they already know it, but that knowledge does not liberate them. Instead, it further convinces them of the immutability of the new layout within which they must make their lives (2011, 248–249)."

2.3   Local conceptions of ethnicity and language

"The normative dimension in dismissing ethnicity is easily understandable," the political scientist Florian Bieber writes, "but is also detrimental to the understanding of post-war Bosnia" (2015, 217; Hronešová 2012). The use of this term is fairly recent in Bosnia and has largely replaced the more nuanced local terminology used prior to the civil war; this shift in terminology has been attributed to Western media, academics and politicians, who have consistently characterised the war as "ethnic warfare" (Hromadžić 2012, 37; Gagnon 2004). Such simplistic terminology risks ignoring the way that people in Bosnia have traditionally identified themselves, and especially how local conceptualisations have varied in rural and urban areas (Bringa 1995, 20–22). The aim of the next sections is to add historical insight to the concepts presented above, to be sensitive to a complex context, without attempting to cover everything.

2.3.1   Narodi, narodnosti and minorities

In the last reliable census, in 1981, the inhabitants of Yugoslavia counted 22.4 million (Bringa 1995, 24), spread over six republics. All republics apart from Bosnia had its own titular nation, with a majority of the inhabitants in that republic: The Slovenes had Slovenia, the Croats had Croatia, the Moldovans had Moldova, the Montenegrins had Montenegro, and the Serbs had Serbia, and controlled the two autonomous regions, Vojvodina and Kosovo. Yugoslavia was expelled from the Cominform in 1948, yet shared many common traits with the national policies that Josef Stalin implemented in the Soviet Union, where the state had a central role in defining the nations on its territory. A hierarchy of three administrative categories was used to group people and allocate group rights. In Serbo-Croatian, the highest category was called *narodi*, the second highest was *narodnosti*, and then came other minorities *(*so-called *etničke grupe*). In the heterogeneous, socialist federal states in Eastern Europe, citizenship and nationality were two different things. All inhabitants of SFRY were citizens of that state, but not all were registered

as Yugoslavs. The Yugoslav *narodnost* could be chosen at the censuses, but there was never an inclusive term with the rank of *narod* that included people from all over SFRY (ibid, 23–26).

The mentioned titular nations, that had status as narodi, were given widespread rights and guaranteed political representation. The republics' constitutions confirmed what narod had its mother-republic where. All narodi had *one* own mother-republic each, apart from the Serbs and the Croats, who were narodi in the Socialist Republic of Bosnia and Herzegovina (SR BIH) as well. The ethnic Muslims (1.9 million in the whole of Yugoslavia, in the 1981 census) were elevated from the rank as narodnost to narod in SR BiH, in 1971. Narodnosti was the second highest category and secured these groups cultural and linguistic rights, but their mother-republic was typically situated outside of Yugoslavia, a name that literally means: *Land of the South Slavs*. The largest of ten narodnosti were the Albanians and the Hungarians. The last, third category counted a number of ethnic groups, who were at the bottom of this multi-ethnic state's administrative and political pecking order (Mønnesland 2006, 24–25; Bringa 1995, 26).

2.3.2 Religion and najica

A Bosnian state took shape under Ban Kulin in the 10th century, and reached its height at the end of the 12th century under King Tvrko 1st of Bosnia. The Great Schism that in 1054 had parted Christendom into a Catholic and an Orthodox part ran through Bosnia, and it was here, following the Ottoman's win over the last Bosnian king in 1463, that Christendom and Islam met (Holm-Hansen 2015). From that period until 1878, the area that today makes up Bosnia and Herzegovina was ruled by the Ottoman Empire. The Ottomans introduced the millet system, which had the non-Muslims in Bosnia organised in their own self-run communities, based on religion, (and not language, territory, history or common heritage). The Bosnian Muslims, who had quickly converted to Sunni Islam, in great numbers and from all layers of society, were ruled directly by the Ottomans. According to Bringa (1995, 20–22), the heritage from this system was a complete overlap between Bosnia's narodi and what is called *nacije*.

Nacija refers to an individual's ethno-religious identity and to a membership in a religious community, with its established traditions and customs (Bringa 1995, 20–22). Before the outbreak of war in April 1992, the Bosnian population consisted of three distinct narodi, which were different in terms of religion, but similar in terms of geography, language and social life. Belonging to one of the three religious communities – Roman-Catholic, Serbian-Orthodox or

Sunni Islam – meant membership in one Bosnian nacija and one official narod. The Catholics were thus Croats, the Serbs were Orthodox, and the Muslims were members of the ethnic Muslim narod, which later was labelled Bosniak. According to Bringa, the Bosniaks have identified as a narod through their belonging in a religious community. Moreover, this religious belonging has been inherited through a person's first name and surname, and has therefore become an ethnic component; the name is seen as a bearer of cultural heritage (1995, 18–21).

Balkan historians, who often have had nationalistic motifs, have disagreed in the question of whether the Bosniaks are a distinct people. Whereas Croat and Serb historiography has been about establishing a historical continuum between its people and a territory, Bosniak historiography has tried to establish an identity separate from that of the Serbs and Croats. The question became acute in the 1980s, because it was unclear what would happen with the diverse Bosnian republic if the Yugoslavian federation was dissolved (Bringa 1995, 32–36). The situation in SR BiH mirrored that of Yugoslavia as a whole, where no nation was in a majority; the largest nation was the Serb, with 8.1 million in 1981, when 1.2 million chose to register themselves as Yugoslavs (ibid., 24). The Bosnian census from 1991 shows that 43.77 per cents were Bosniaks, 31.46 were Serbs, and 17.34 per cents were Croats, before war broke out (Ramet 2002, 204).

2.3.3   Language and history

The struggle for separate national languages is characteristic of all nations in the Western Balkans, inspired by Johann Gottfried von Herder's idea that a nation is unthinkable without its own language, yet dialectal variations crossing ethnic boundaries have made such attempts difficult (Mønnesland 2006, 19–20). The most spoken dialect in the area, which all the "new" written national languages build on, is called Shtokavian. All Serbs, Montenegrins, Bosniaks and Croats in Dalmatia and Slavonia (regions in the state of Croatia) and in Herzegovina (a region in Bosnia) speak a variant of this dialect. Ekavian, Ikavian and Jekavian, the three main-variants, stem back to the period before the Ottoman invasion (Greenberg 2008, 33). In opposition to attempts to establish separate national languages, stood attempts at creating a common language for all South-Slavs. The advent of the language called Serbo-Croatian is best told through the workings of two linguists, one Serbian and one Croatian: Vuk Karadžić (1809–1872) and Ljudevit Gaj (1787–1864), who both wanted to create a language based on Jekavian.

The river Sava is a tributary of the Danube and marks an important cultural border dividing the

Serbs; the Vojvodina region in the north was ruled by the Habsburg Empire from 1739, and partook in Enlightenment reforms that the Ottoman Empire were not included in (Mønnesland 2006, 97). Vuk came from Vojvodina but rejected the Novi Sad-elite, who wanted their written language based on Ekavian, spoken only by Serbs. Comparisons with Norwegian linguist Ivar Aasen, the father of Nynorsk, have been made (Gallis 1978), as Vuk's goal was to replace the archaic, Russian-inspired, church-Slavic used by the elite, with a language close to the spoken language in Eastern Herzegovina (Mønnesland 2006, 97). Vuk's counterpart in Croatia was the leader of the Illyrian movement. Gaj wanted to strengthen Croatia's rights within the union with Hungary, and used Pan-Slavism as a means to further his aim. The Croats have three dialects: Kajkavian and Chakavian, spoken exclusively by them, and Shtokavian, which is used the most. Gaj wanted to base the written language on the dialect spoken south-west in Croatia, which was essentially the same as in Eastern Herzegovina. The first step towards one common language was an agreement between linguists from Croatia and Serbia, signed in 1850. Collaborations lasted until Serbia's independence in 1878. Two rivalling science academies were founded in Zagreb (1867) and then in Novi Sad (1886), which split language development between West and East, since the first favoured Jekavian and the latter Ekavian (Greenberg 2008, chap. 2).

Following the defeat of the Austro-Hungarian Empire in the First World War, the Kingdom of Serbs, Croats and Slovenes was founded, and lasted until the German invasion in the Second World War. Serb preferences for Ekavian were seen as threatening by both Croats, Muslims, Montenegrins and Serbs who spoke Jekavian, in a period when ethnic conflict became more common (Greenberg 2008, 37). A new constitution in 1929 replaced a federal state with a royal dictatorship loyal to Serbia, which became the first Yugoslavia (Mønnesland 2006, 174). The Socialist Federal Republic of Yugoslavia (SFRY) was founded by the Communist Party in the aftermath of WWII, after a period of extreme, ethnically motivated violence. Led by Josip Tito, SFRY followed a policy that sought to replace ethnic belongings with "brotherhood and unity," and the creation of a common language was one of the methods used. In the Novi Sad-Agreement (1954), a Western "Croat-Serbian" written in Latin letters, and an Eastern "Serbo-Croatian" written in Cyrillic letters, were codified. Treated separately from the written language in that agreement, was a point on Jekavian and Ekavian pronunciations (Greenberg 2008, 29–40). All the republics seized the opportunity to define their own national pronunciation when that option arose with the new constitution in 1974. SR BiH was the only exception and chose the name "Bosnia-Herzegovinian," to avoid a coupling of language and nationalism, which would have been troublesome in a diverse republic with three distinct narodi (ibid., 39–40).

Language has 'always' been political in the Western Balkans, but the creation of national languages has been difficult since differences in language have followed geography and not ethnicity – at least until now. Attempts at language purification in the post-Yugoslavian era have split Serbo-Croatian into four mutually intelligible languages and reaffirm the old proverb that a language is a dialect with an army and a navy. The figures inserted below depict a cigarette box, with cautions written in the three constitutionally protected languages in Bosnia. The box was presented at a café with three young smokers from the Social Democratic Party (SDP) in Mostar, as a concrete example of how similar the languages are, and how even casual messages are now being written three times over: The Bosnian and Croatian cautions are written in Latin letters, and the Serbian in Cyrillic; they are otherwise *identical*. The text on the front reads: "Smoking causes lung cancer," and the text on the back simply states: "Smoking kills".

Figure 3. Cigarette box, front.

Figure 4. Cigarette box, back.

The cigarette box is one indicator of the social relevance of the topics included in this chapter, which arguably has covered *a lot* of ground. The upcoming analysis of cultural autonomy and educational protectionism, in chapter 5, builds directly on the discussions herein. The chapter on concepts, history and culture is therefore an integral part of the over-all research design, and critical to an in-depth understanding of divisive schooling in post-war Bosnia and Herzegovina.

3 Consociational theory review

3.1 Power-sharing – a systematised concept?

This chapter paves the way for an exploration of how the consociational approach to cultural autonomy in education has perpetuated ethnic conflict rather than contributing to conflict resolving, in a case with consociational institutions and a legacy from civil war. The chapter outlines consociational power-sharing, the assumptions underpinning it, and the theory's ever-increasing domain of application, which amounts to a clear instance of conceptual stretching. Anna K. Jarstad writes about the consociational theory in *From War to Democracy: Dilemmas of Peacebuilding*: "[T]he main issue is how to make democracy function in societies divided along ethnic lines. This means that the theory of consociationalism primarily addresses conflicts that are clearly ethnic (2008b, 109)." Her interpretation of the current theory is correct, but the initial formulation of the theory was much narrower, conceptually and empirically. The nature of consociational democracy has remained to make plural societies more thoroughly plural, and to recognise segmental cleavages explicitly (Lijphart 1977, 42). This logic is equivalent to the hypothesis that "good social fences may make good political neighbours" and that transactions between ethnic groups at the mass level should be kept at a minimum (Lijphart 1969, 219–221).

Adcock and Collier make a powerful case that political scientists should distinguish between issues of measurement validation and broader disputes about the meanings and understandings associated with a given *background concept* (2001, 544). Analytical differentiation and conceptual validity are potentially contradictory goals (Collier and Levitsky 1997), and research on power-sharing has struggled with both of them. It is for this reason important to clarify which *type* that is being discussed, since "there may not be 'one' true power sharing or one 'truth' about power sharing" (Binningsbø 2013, 108). Roeder and Rothchild observe that "power-sharing has become the international community's preferred remedy for building peace and democracy after civil war (2005, 5)", which affirms a perception that conceptual clarity is critical not only for academic purposes. There exist two literatures, largely separate, on power-sharing: One strain of research within the conflict-management literature deals with how to end wars, and sees power-sharing as a mechanism to manage uncertainty in peace processes. Another strain of research is embedded in democratic theory, and focuses on how to make democracy work in divided societies (Jarstad 2008b, 118–113). The background concept within

democratic theory has been broadly defined as a political system that fosters governing coalitions inclusive of most major mobilised ethnic groups in a society (Sisk 1996). Putting an end to fighting comes first in countries wrecked by civil war. While the short-term benefits of a power-sharing agreement are desirable, the conditions that made the compromise possible is likely to hinder the consolidation of peace and democracy over the longer term. That inconsistency is the *dilemma of power-sharing* in post-war societies, coined by Roeder and Rothchild (2005, 6). The consociational Dayton Peace Accords (DPA) is one prime example of such inconsistency, and in my thesis, I explore the longer term consequences on schooling in Bosnia.

A systemised concept is a "specific formulation of a concept used by a given scholar or a group of scholars" (Adcock and Collier 2001, 531), and its logical structure consists of attributes and components of those attributes (Munck and Verkuilen 2002, 13). In a lexical definition, Lijphart advises: "Power-sharing – often called consociational democracy – can be defined in terms of four characteristics (1995a, 956)." He uses the terms *consociationalism* and *power-sharing* synonymously, to communicate his theory to a non-academic audience of politicians and constitutional fathers, who finds the original term "too esoteric and polysyllabic" (Lijphart 2000, 426–427). This conflation has contributed to unsettle the semantic field (Sartori 1984), and is genuinely misleading, since there is no agreement on how to conceptualise and operationalise power-sharing (Binningsbø 2013). Lijphart has identified his single-case study on India (1996) as the "'final' formulation of consociational theory" (2008, 4), and compared to earlier versions, his systematised concept now has *grand coalitions* and *cultural autonomy* as primary attributes, whereas proportionality and minority vetoes are secondary. Issues of common concern should be solved jointly; decision-making power on all other matters should be delegated to separate ethnic groups, to be exercised by and for each group (Lijphart 1995a, 956). The perhaps most famous formulation of this principle, it is worth pointing out, is put in the form of a *hypothesis*:

> Consociational theory differs from other theories of integration not only in its refutation of the thesis that cultural fragmentation necessarily leads to conflict, but also in its *insistence* that distinct lines of cleavage among subcultures *may* actually help rather than hinder peaceful relations among them. Because good social fences *may* make good political neighbours, a kind of voluntary apartheid policy *may* be the most appropriate solution for a divided society. Political autonomy for the different subcultures is a crucially important element of a Consociational system, because it reduces contacts, and hence strain and hostility, among the subcultures at the mass level (Lijphart 1971b, 11, emphasis added).

While the assumptions are open (3 x "*may*"), the prescriptions are deterministic ("*insistence*"). In a recent interview, Lijphart was asked about whether he actually operates with a theory about

ethnic conflict, and put his response in the negative: "Consociational theory is pragmatic and consequentialist, it is not interested in the origins of the conflict, just in its resolution (Lijphart 2015, 91)." A common strain of criticism against his conflict resolving measures, is summarised by Paul Brass, who notes that accommodation is actually an *art* and not a *system*: "Consociationalism is a device for freezing existing division and conflicts and reducing the art of political accommodation to formulas that can only work as processes of social, economic, and political change do not upset them (1991, 342)." Education is an important component of cultural autonomy, but the dynamics of exclusivist education systems in ethnically divided societies have not been theorised in the consociational theory, whose origins are found in relatively stable Western European countries. This is unfortunate because, in a conflict perspective, the issue of education system governance is crucial: "The arrangements that are in place for representation and participation in consultation, decision-making and governance may be potential sources of conflict, or they may be opportunities for inclusion and the resolution of grievances (Smith 2005, 379)." Brass regrets that consociationalism has been developed as a general model in ethnically divided societies (1991, 342), and along those lines, this chapter will explain why the consociational theory is unfit to provide educational prescriptions in a post-war context.

3.2   Cultural autonomy in ethnically divided societies

Donald Horowitz has pointed out that the problems associated with cultural autonomy are different from those of the other consociational attributes: Cultural matters, such as the designation of official languages of instruction, the content of curricula, and the official recognition of degrees from institutions associated with specific ethnic groups, are habitually divisive issues in deeply divided societies – indeed, they go straight to the heart of the conflict (2002a, 22). This is the point of departure for Bush and Saltarelli, whose research interests are precisely the educational structures and processes that *politicise* and *mobilise* identities in ways that can allow diversity and cultural differences to become the basis for protracted ethnic conflict (2000, vii). Their definition of the concept of ethnicity highlights *cohesion* and *differentiation* as the internal and external functions of group identity: "[E]thnicity is the subjective, symbolic, or emblematic use by a group of people of any aspect of culture in order to create internal cohesion and differentiate themselves from other groups (ibid., 2)."[17] Education can contribute to processes of both assimilation or integration, depending on the content of curriculum and how

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[17] Bush and Saltarelli's definition builds on Brass (1991, 3) and de Vos (1975, 16).

schooling is organised, these authors note, "by constructing and imposing a common culture, founded on a common language, a shared sense of history and destiny, and more broadly, a common set of expectations and behaviours rooted in a sense of civic loyalty" (ibid., 6). Their metaphor, the 'two faces of education', captures how schooling can potentially be integrative and breed tolerance, and on the flipside, breed intolerance and perpetuate ethnic conflict (ibid.).

The essay 'Constitutional Design for Divided Societies' presents a set of recommendations that are focused "in particular on the constitutional needs of countries with deep ethnic and other cleavages" (Lijphart 2004, 96). Lijphart does not separate between ethnic conflict and other types of conflict. He writes that *all* divided societies *require* two key elements, which taken together is what he terms consociational democracy: "Power sharing denotes the participation of representatives of all significant communal groups in political decision making, especially at the executive level; group autonomy means that these groups have authority to run their own internal affairs, especially in the areas of education and culture (ibid., 97)." This is usually how the role of education is presented: crucial to cultural autonomy, but without much reasoning. Lijphart writes that in societies where the groups are geographically concentrated, a federal solution is an "excellent way" to provide autonomy, but if the groups are not concentrated, autonomy can also be arranged on a non-territorial basis (ibid., 106–7). He advises that units are small, to increase ethnic homogeneity, and have substantial competencies, to lessen the power of the state-level. No cut-off point is given, however, to gauge whether groups are sufficiently concentrated to warrant a federal solution. Examples of non-territorial autonomy in education include state-funded religious schools in Belgium, the Netherlands, and India, run by religious communities, as long as basic educational standards are met (ibid., 105). In general, consociationalists tend to favour territorial solutions (O'Leary and McGarry 2009; Wolff 2013).

The logic of decentralisation in countries with heterogeneous populations, Simeon and Conway write, is to reduce conflict by a 'measure of disengagement': "Harmony will by increased in a system in which territorially concentrated minorities are able to exercise autonomy or self-determination on matters crucial to their identity and continued existence, without fear of being overridden or vetoed by the majority group (2001, 339)." In his impressive book on political decentralisation, Daniel Treisman concludes that we simply cannot make generalisations about when decentralisation is beneficial or harmful; both outcomes are entirely plausible, depending on the context. Compared to a centralised system, decentralisation is often seen as a means to protect individual rights vis-à-vis the state, but this incorrectly assumes that local governments

will be freedom-preserving, when abuse of minorities is just as plausible at the local level, as the example of slavery in the Southern states of the US shows (2007, 193–198). Another alleged advantage, building on efficiency arguments derived from Tiebout (1956), is the opportunity for minorities to move from one location to another, to avoid oppression. Yet illiberal local policies that aim to force minorities to exit, in order to attain ethnically pure units, is quite remote from harmony, and the forced moving is an inadequate solution to a problem largely caused by decentralisation (Treisman 2007, 193–198). Alignment of ethnic groups and administrative borders through decentralisation empowers the numerical majority in that area; complete autonomy, so that each group can decide its own policies, requires perfect geographical segregation, and is not possible through just reducing the scale of units (ibid., 238–240).

According to Lijphart's encyclopaedic article on multi-ethnic democracy, ethnic groups consist of people who see themselves as a distinct cultural community, often share some ascriptive characteristics (like language or religion), and tend to harbour negative and hostile feelings towards members of other ethnic groups (1995a, 853). After *Democracy in Plural Societies* (1977), which according to Lijphart finished his primordial phase, his interpretation of ethnic identity has become "mainly constructivist" (1956). But the notion that "ethnic identities are very often unclear, fluid, and flexible" (ibid., 13) has not translated into any changes in the nature of consociationalism: "Under power sharing, the strengthened ethnic groups are designed to play a constructive role in conflict resolution (Lijphart 1995a, 860)." In the encyclopaedic article, additional costs in terms of an increase in governmental bodies and duplication of schools and other facilities, are the only negative consequences discussed in relation to education (1995a, 860). Yet scholars from the discipline of comparative education, who actually study education, have consistently shown that the picture is considerably more complex, and that the 'negative face' is worthy of deep concern in ethnic post-war settings (Smith 2005; Smith and Vaux 2003; Davies 2004; Salmi 2006; Seitz 2014). Moreover, as a fresh literature review shows (Matsumoto 2015), this field of research is engaged in empirical and conceptual discussions that go far beyond the assumption that education will inevitably be a force for good (Bush and Saltarelli 2000, v). Whether an educational system will contribute to building trust or mistrust between ethnic groups, will depend both on its structure and the way it operates in practice, and is necessarily "highly context-dependent" (Smith 2005, 379).

Decentralisation of educational systems may increase participation and ownership for teachers, parents and students, but it may also, the comparative educationalist Alan Smith writes, "leave

education open to manipulation as part of local politics" (2005, 379), citing the examples of education appointments, deployment of teachers, and the determination of curriculum. One key insight stemming from this is "the need for systems and structures that 'insulate' the education sector from political bias, potential corruption and interference in the operational decisions to implement policy" (ibid.). Local abuses could potentially be prevented by a central government, on the condition that the government is both willing and competent (Treisman 2007, 200), while introducing the necessary 'insulation' against political bias might be difficult in a context with numerous levels of decision-making. Other things equal, an increased number of veto players is likely to entrench the status quo (Tsebelis 2002). Whether conservatism and stability is a good thing, Treisman points out, depends on the kind of policies being entrenched: "In short, if political decentralization increases policy stability, it is difficult even given a particular set of political values to say – independent of context – whether this is good or bad (2007, 207)."

3.3 Consociationalism

3.3.1 Original, descriptive focus

Consociationalism was launched in the late 1960s as an optimistic theory, suggesting that a long-lasting, peaceful democracy was possible in segmented societies, despite deep societal cleavages. Lijphart's first major work was a single-case study on elite accommodation in his homecountry, the Netherlands (1968), as a response to the deep societal cleavages. The metaphor *verzuilingen* literally means pillarisation, and captures how the elites would traverse the separate segments of the Dutch society, and coordinate to make the political system work. Lijphart moved on and positioned himself in reference to Gabriel A. Almond's influential typology of empirical political systems, and became particularly concerned with a residual category of political systems "which combine some of the features of the Continental European and the Anglo-American" (Almond 1956, 392). Scandinavia, the Netherlands, Luxembourg, Belgium, Austria and Switzerland had been lumped together at the centre of a continuum, between the Anglo-American and Continental European political systems, because of their values on two variables – political culture and social structure – that attempted to account for stability. The logic of this typology was conceptually similar to the sociological cleavage theory associated with Lipset and Rokkan (1967), and described how the fragmented societies of the Continental European systems, without any crossing cleavages, made them exceedingly

unstable. The opposite was true of the Anglo-American systems, where the society was not split in separate sub-segments, and where the market analogy applied to politics (Downs 1957).

In contrast to what Almond's typology had suggested, the political systems in the residual category were in fact *not* unstable. Lijphart zoomed in on the five continental cases – the Netherlands, Luxembourg, Belgium (collectively called the Low Countries), Austria and Switzerland – and argued that accommodation between elites representing all the major sub-segments of society was the causal force behind this surprising outcome. These five fragmented but stable political cases were labelled *consociational democracies*, where the elites made "deliberate efforts to counteract the immobilizing and unstabilizing effect of cultural fragmentation" (Lijphart 1969, 212). The output of their coordination was, Lijphart argued – by using the words of another political scientist – a possibility to "achieve a degree of political stability quite out of proportion to its social homogeneity" (Ake 1967, 111). Consociationalism was overwhelmingly descriptive, and included a number of conditions for a consociational democracy to work, including political will among the elites, shared understanding of the perils of political fragmentation, and even capability to solve the country's political problems. The term consociational was treated as synonymous with both "cooperation" and "compromise" in this first research note on consociationalism, and Lijphart maintained that: "The essential characteristic of consociational democracy is not so much any particular institutional arrangement as the deliberate joint effort by the elites to stabilise the system (1969, 213)."

Lijphart developed his own empirical theory on fragmented but stable political systems, following the example of Almond, after first having defined the Netherlands as a deviant case with reference to pluralist theory (1968). He adopted the meticulous approach of Almond and laid fourth his contribution in a clear, empirically sound manner. "What this means is that the student of political systems is concerned with empirically observable behaviour […] [P]olitical institutions or persons performing political rôles are viewed in terms of what it is that they do, why they do it, and how what they to do is related to and affect what others do (Almond 1956, 393)." Shortly after the 1969 research note discussed above, Ian Lustick has shown (1997), consociationalism was hailed as a "progressive research programme", inviting country experts to seize the opportunity to elaborate on the few cases that served as Lijphart's empirical base. The limited applicability of early consociational theory was obvious from the definition Lijphart provided in the first research note: "Consociational democracy means government by elite cartel designed to turn a democracy a with a fragmented political culture into a stable

democracy (1969, 216)." The theory was locked on a few, small European cases, where the elites could either choose to stabilise the system through mutual accommodation, or not do so, at the risk of great instability; either way, there seemed to be little theoretical or prescriptive utility in merely describing elite behaviour. In his subsequent works, Lijphart would therefore "impart greater institutional heft to his original formulation" (L. D. Anderson 2013, 13).

3.3.2   Normative, prescriptive focus

Theory-development in the 1970s brought a gradual epistemological shift, from what 'is' to what 'ought' to be; consociationalism was now being prescribed as an ailment for most if not all politically troubled societies (Lustick 1997, 108). This form of elite accommodation was prescribed for any segmented society – which is a society that is sharply divided along either racial, religious, ideological, linguistic, cultural, *or* ethnic cleavages, and where whole sub-segments of the society are organised in their own political parties, interest groups, and media (Lijphart 2008, 67). The shift offered the student of political systems a new role, namely that of a constitutional engineer. In his 1977 book, Lijphart developed the four institutional and behavioural forms of elite collaboration that would literally come to define consociational democracy. The constructivist Paul Dixon is representative of critics who assert that consociationalism reinforces the hostile attitudes that policy makers aim to ameliorate – and makes sure to clarify that it is the *theoretical framework* that makes the prescriptions awkward (2011, 312). The consociational framework, Dixon expounds, "includes both a primordial description of 'ethnic' or plural conflict and, following from this diagnosis, consociationalism's segregation-oriented and elitist interpretation of its prescriptions for conflict management" (ibid., 313).

One of the arguments frequently invoked in favour of consociational democracy was that it was just laying around, waiting to be found: "Political scientists merely discovered what political practitioners had repeatedly – and independently of both academic experts and one another – invented years earlier (Lijphart 2004, 97)." In the introduction to his anthology *Thinking about Democracy*, Lijphart (2008, 4) lists some examples that, at some point in time, had qualified as consociational democracies, and that he had discovered over the course of his career. The cases included: Lebanon, Nigeria, Columbia and Uruguay; Malaysia, Cyprus, Suriname, the Netherlands Antilles, Burundi, Northern Ireland, and the "semi-consociational systems" of Canada and Israel; India, Czechoslovakia and South Africa, plus the more recent examples of Bosnia, Macedonia, Kosovo, and Afghanistan. The list is non-exhaustive, and none of the cases

is undisputed, but it shows just how inclusive the inductive method of discovery has been. By abandoning the socio-political structure that was once central in describing the few original consociations, the domain of theory application was drastically enlarged (Bogaards 2000, 426).

Starting from the position that elite accommodation explained the stable political situation in the Netherlands, which was strongly challenged both conceptually and empirically (Barry 1975; Van Schendelen 1985), the scope of the theory was widened and made universally applicable. In his last major publication on consociationalism, *Power-Sharing in South Africa* (1985), Lijphart assumed the function as a constitutional engineer, offering concrete advice on the options available to the South African politicians who were debating the optimal architecture of that country's future institutions. The geographical and theoretical journey that had taken Lijphart from the Netherlands to South Africa represents a clear example of "conceptual stretching" as opposed to "concept travelling" (Sartori 1970). For this reason, Ian Lustick dubs consociationalism after 1977 as a "degenerate research programme" (1997). In a sophisticated dissection of Lijphart's theory, Matthijs Bogaards makes the case that consociationalism actually employs two incongruent typologies – one empirical and one normative – and that this explains why Lijphart in the 1990s began distinguishing explicitly between a normative and an empirical type. Empirical consociational cases were now being presented as "embodiments of universal and ahistorical 'principles'" (Bogaards 2000, 408). Boogards deduces two key implications from his finding that the consociational typologies do not overlap: Firstly, that there is no empirical basis for making policy recommendations, and secondly, that consociationalism as a normative type becomes immune from empirical criticism (ibid., 417, 408).

The two implications deduced by Bogaards, combined with multiple contradictory definitions, make it possible to claim success stories and simply reject failures (Dixon 2011, 313). In a reply to Bogaards, Lijphart conceded that his systematised concept in earlier works had a fifth defining element, namely that of a "plural (deeply divided) society" (2000, 425). But his thinking had moved on, and he now welcomed the invitation to make explicit that he defined a consociation in terms of just four characteristics, and added: "Surely, however, not all conceptual stretching needs to condemned […] when the original concept is unnecessarily and undesirable narrow, it *must* be stretched" (ibid., 426). *On the contrary* – conceptual stretching *must* be condemned, since it describes the distortion that occurs when an established concept does not fit the new cases, as opposed to concept travelling, which describes successful application of concepts to new cases (Collier and Mahon 1993, 845). Lijphart's response did

not address the main problem – that stripping consociational power-sharing of its original socio-political context meant that consociational characteristics could now be claimed, or prescribed, anywhere in the world, including non-plural and semi-plural societies (Bogaards 2000, 415). That is why Donald Horowitz prefers to separate between consociational regimes and elements. He claims there are few – if any – of the first, several of the latter, whilst noting that: "The tendency to shift the goal post and to claim countries for the theory is palpable (2002a, 21)."

3.4 Consensus democracy

The course of consociationalism in the 1980s is linked with the development of a related but not coterminous concept (Lijphart 2008, 6). *Consensus democracy* was developed in an "effort to define and measure consociational democracy more precisely" (ibid.); it largely succeeded consociational democracy as an empirical type, with consociationalism being developed primarily as a normative concept after 1977 (Bogaards 2000, 409). Subsequent consociational works include shorter articles and book chapters, that often reproduce whole paragraphs printed in Lijphart's earlier books and articles. The *consensus democracy* seeks to maximise the size of the majorities, instead of being satisfied with narrow decision-making majorities: "Its rules and institutions aim at broad participation in government and broad agreement on the policies that the government should pursue (Lijphart 1999, 2)." This view extends to consociationalism as well, but the point here is the "inclusion of distinctive population groups rather than all parties that is important when these groups and the parties do not coincide" (Lijphart 2008, 8). In two books, from 1984 and 1999/2012, the two opposing ideal types *consensus democracy* and *majoritarian democracy* were to be measured on ten variables, (originally eight), on two separate dimensions. The clear-cut institutional focus differs from that of consociationalism, where informal practices are regarded as equally important as formal institutions (Lijphart 2008, 8). This is a clear legacy from Almond's preoccupation with political systems, defined "as a set of interacting rôles, or as a structure of rôles" (1956, 394), which was meant to capture the *totality* of organisations, institutions and various informal factions. Such a holistic approach is distinctive of consociationalism, and distinguishes the consociational theory from the empirically related, but analytically separate, consensus democracy. The resulting absence of conceptual clarity makes precise measurement very challenging: "The substantive problem is that the basic characteristics of consociational democracy are inherently stretchable: they can assume a large number of different institutional forms (Lijphart 2002, 46)." In a comparison, Lijphart argues that for the toughest cases, consociationalism is the better choice (2008, 8):

> Finally, although both consociational and consensus democracy are highly suitable forms for democracy for divided societies, consociationalism is the stronger medicine. For instance, while consensus democracy provides many incentives for broad power-sharing, consociationalism requires it and prescribes that all significant groups be included in it. Similarly, consensus democracy facilitates but consociationalism demands group autonomy. Hence for the most deeply divided societies, I recommend a consociational instead of merely a consensus system.

The quote summarises the ambitious aims of consociationalism. It reaffirms the belief that a consociation is considered particularly apt when the stakes are high and divisions tense, but because of conceptual stretching, these conflict-solving prescriptions require further scrutiny.

3.5 Power-sharing in post-war societies

The mid-1990s brought a 'new wave' of post-war consociations which Rupert Taylor claims signalled a 'major regeneration' of the consociational research programme, in opposition to Ian Lustick's dismissive verdict (1997). These new consociations, 7 out of 29 – counting both past and present cases – were societies coming out of violent conflict, and were characterized by being cases of internationally driven intervention and settled by an internationally brokered agreement (Taylor 2009, 7). John McGarry and Brendan O'Leary have been the foremost renewers of normative consociational theory, and distinguish between liberal and corporate consociations – which in some respects mirrors Lijphart's distinction between predetermination and self-determination (Lijphart 1995b). Since the consociational approach is to explicitly recognise, strengthen and make ethnic groups more cohesive, to have them play a constructive role in conflict resolution, it is crucial to know what groups should be recognised in the political system (Lijphart 2002, 45). A corporate consociation "accommodates groups according to ascriptive criteria," whereas a preferred liberal consociation "rewards whatever salient political identities emerge in democratic elections" (McGarry and O'Leary 2007, 675). Corporate consociations, Lijphart points out, are by definition discriminatory as they privilege some groups over others, smaller minority groups risk being overrun, the assignment of individuals to a specific group may be offensive, and fixed relative shares of representation are vulnerable to demographic changes (Lijphart 1995b, 285). The distinction is used to prescribe the liberal version of consociationalism, but the tendency in practice, in past and present, is toward the corporate, which is likely to be the "default position in negotiations" (McCulloch 2014, 507).

The liberal–corporate distinction has been used by Allison McCulloch (2014) and Stefan Wolff (2013) to separate consociationalism from the most common criticisms levelled against the theory, namely problems of adoptability, immobilist politics and entrenchment of ethnic

divisions. McCulloch uses Rupert Taylor's list (2009) to address the claim that consociations are "about as common as the arctic rose" in severely divided societies outside the West (Horowitz 2002b, 197). Her 'contemporary cases' include the diverse population of Malaysia, South Tyrol, Lebanon, Bosnia and Herzegovina, Burundi, Northern Ireland, Macedonia, Afghanistan, Iraq and Kenya. A 'hybrid' version, exhibiting both corporate and liberal characteristics, was identified in Macedonia and in Northern-Ireland (McCulloch 2014, 507). The only clear-cut democratic and liberal consociation on the list is Iraq, currently ranked 161 out of 162 on the Global Peace Index (IEP 2015), while Afghanistan (ranked as 160 on the index) is 'informal-liberal'. The lack of success in those countries cannot be attributed to consociationalism, but shows the problem of inducing from a small, heterogeneous population. McCulloch explains that the question of adoptability is greatest for the liberal version: The "default" option of locking in group interests, through strong guarantees and fixed representation for the participating groups' representatives, makes a corporate consociation the likely product of conditions of insecurity. This is because peace settlements are negotiated at "the very point at which group identities are the most politically salient and polarized" (McCulloch 2014, 502). Negotiation is the characteristic mode of peace agreements, and it is a mode – Donald Horowitz notes – "conducive to agreement via the exchange of incommensurables but assuredly not conducive to coherence of the product" (2002b, 197). The "regeneration" of the consociational research programme thus introduced another normative type, but did not give a satisfactory answer to why consociations would work in ethnically divided societies (Barry 1975).

3.5.1   Uncertainty in ethnically divided societies

Dealing with the problem of ethnic conflict remains an important ambition for constitutional designers: "I still believe that consociational democracy is not only the optimal form of democracy but also, for the most deeply divided societies, the only feasible solution (Lijphart 2002, 37)." While consociationalism is being prescribed as the stronger medicine in the toughest cases, Rothchild and Roeder observe that the conditions that made consociations work in Western Europe are unlikely to exist after severe conflicts in ethnically divided societies (2005, 30). These authors claim that "a set of unintended but perverse consequences" arise from power-sharing institutions in such societies: "They empower ethnic elites from previously warring groups, create incentives to press radical demands once the peace is in place, and lower the costs for these elites to escalate conflict in ways that threaten democracy and peace (ibid., 29)." Unintended consequences may include economical inefficacy and rigidity in government,

irresponsible use of institutional weapons that may create political deadlock, and a political agenda that keeps alive fundamental issues and focus on interethnic allocation (ibid., 37–39).

The third, behavioural variable in the original formulation of consociationalism, which gave stability instead of immobilist politics, was the deliberate choice of the elites not to engage in competitive behaviour (Lijphart 1969, 211). The theoretical opposite in the sphere of power-sharing (Sisk 1996), is occupied by centripetalism – associated chiefly with Donald Horowitz (1985) and Benjamin Reilly (2001). The main argument levelled against consociationalism from this camp is the theory's failure to account for elite moderation: Executive power-sharing, proportional representation and mutual vetoes do not offer incentives for the kind of elite accommodation that the approach relies on, in order to avoid the perils of immobilism (Horowitz 2002a). The centripetal label points at the possibility for rewarding moderate parties that can attract voters from several voter segments, based more on common issues than exclusivist identity politics. Centripetalism seeks to include "those ethnically-based parties most willing to compromise to join together and, by joining, to fend off the uncompromising extremes", which is a more ambitious approach, since it is "premised on a desire to put the conflict to rest, if not to end it altogether" (Horowitz 2002b, 193). The difficult task of engineering institutional incentives should rather, centripetalists argue, push politicians towards making appeals across ethnic cleavages, introduce arenas with incentives for elite bargaining and aim for the development of centrist, aggregative political parties (Reilly 2001, 11).

The argument that consociational theory is motivationally wanting is relevant to the state level but also to the local level, where the ethnic groups, according to consociational theory, should be autonomous in executing their "internal affairs", including education and culture (Lijphart 2004, 96). Daniel Treisman writes about political decentralisation that it is likely to reduce conflict *if* the leaders favour multi-ethnic cooperation over exclusion, and *if* the ethnic groups do not drift apart culturally, but underscores that these conditions are actually *endogenous* to the political game: "In fact, they are not conditions at all but uncertainties that resist any general, *a priori* resolution (2007, 246)." He discusses John Stewart Mill's classic argument, that local governments can function as "schools of good", and train politicians to accommodate societal differences, but also Mill's less well known observation, that these governmental bodies can become "schools of evil", if the local politicians experience that attacks on ethnic minorities results in votes (ibid., 244). Such a duality can be extended to the organisation of schooling as well – as with the 'two faces of education in ethnic conflict' (Bush and Saltarelli, 2000).

3.6 Educational protectionism in post-war Bosnia

Bosnia and Herzegovina has, remarkably, been used to expound a novelty called "deliberative consociationalism", which attempts to fuse consociationalism with deliberative democracy in deeply divided societies. Drake and McCulloch advise a two-step process: In the first round, to have broad inclusion and voicing of all opinions, no matter how offensive they might be to other groups, and then in a second, decision-making round, an application of the criterion of public reason. The authors point to education reform in Bosnia, where revision of history textbook started around year 2000, by annotating contentious and offensive passages, before pointing out that a multi-perspective approach to teaching history "has since been adopted" by the international community (Drake and McCulloch 2011, 384). Unlike the brief narrative presented in that article, Bosnia has not gotten past the first round, which the authors refer to as "an early compromise" (ibid.). Outside parties from the international community intervened to remove veritable hate-speech from ethnically slated history text-books (Torsti 2007; 2009), and multi-perspectivity in history has not been implemented by the various educational ministries.

Rather, the consociational approach to cultural autonomy has entrenched an *exclusivist* form of educational protectionism (Božić 2006). Bosniaks, Croats and Serbs are explicitly recognised in the Constitution, and have the sole responsibility over education in the administrative units where they are in a numerical majority. Cultural autonomy is supposed to contribute to conflict resolution instead of creating conflict (Lijphart 1985, 106), but consociationalism in Bosnia clearly deviates from such a pattern, and the OSCE Mission to Bosnia (2016) lists a number of problems stemming from decentralisation of education. Problems are manifested in segregation and discrimination in schools, outdated curricula that caters only to an ethnic majority, visible political influence in appointment of school boards, directors and teachers, as well as influence on control mechanisms, with a negative impact on management of scarce resources. OSCE observes that education reform is critical to the long-term stability of Bosnia, but that reaching international human rights standards is "challenging in light of the long-standing politics of separation of children in education". Institutional fragmentation has sustained exclusivist practices in school since the end of the war, in a country where the political parties, again according to OSCE, are "unopposed decision-makers in the education system". The close fit between theoretical, consociational prescriptions and the institutions in Bosnia that have entrenched educational protectionism, suggest that an in-depth study of this post-war case would be fruitful.

4 Qualitative method

4.1 Case study method

For the empirical, normative and conceptual reasons discussed in the previous theory chapter, consociationalism positively belongs to "the 'messy' and 'eclectic' centre of comparative politics'" (Taylor 2001, 3; Kohli et al. 1995). My research interest in cultural autonomy and its educational component led me to formulate a research question that I believe can be best answered by use of the case study method, which is distinct and has its own research design. A case study is defined as an "empirical inquiry that investigates a contemporary phenomenon (the 'case') in depth and within its real-word context" (Yin 2014, 16). Sensitivity is a defining trait of this method, which accepts that understanding of a real-world case goes hand in hand with intimate knowledge of its contextual conditions. Compared to other methods of inquiry, a case study is considered apt "when the boundaries between the phenomenon and context may not be clearly evident" (ibid.). The case study method is commonly defined not only in terms of its *scope of inquiry*, but also its *methodological features*, that attempt to deal with such complexity. The distinguishing features of case studies are thus: in-depth inquiry (including fieldwork), triangulation of data from multiple sources, and theoretically guided data collection and analysis (Yin 2014, 24). Creswell highlights the same components as Yin, and regards the case study as a comprehensive methodology, concerned with the exploration of "a real-life, contemporary bounded system (a case) or multiple bounded systems (cases) over time, through detailed, in-depth data collection involving multiple sources of information" (Creswell 2013, 97).

The twofold definitions above show "how case study research comprises an all-encompassing method" (Yin 2014, 17), and are similar in how they define a case. Yin calls the step that follows the defining of a case, *bounding* the case; this is the operation where the researcher clarifies what phenomena should be considered cases – by way of spatial, temporal and other criteria implied by the case definition – and what is merely context (ibid., 31–34). This step will be considerably more difficult if the initial definition of what a case is, is formulated vaguely – which is why the clear language of Brady, Collier, and Seawright is admirable: "We understand a case as an instance of the unit of analysis employed in a given study. Cases correspond to the political, social, institutional, or individual entities about which information is collected (2010, 182)." Brady et. al. complement the rather hollow definitions provided by Yin and Creswell, and make perfectly clear what "a real-life contemporary bounded system" actually means.

4.1.1 Analytic and statistical generalisation

Questions of method are second to questions of paradigms, which differ in terms of ontology, epistemology and methodology; paradigms are defined as the "basic belief system or worldview that guides the investigator" (Guba and Lincoln 1994, 105). Case study researchers subscribe to the belief that concrete, context-dependent knowledge is often as valuable as general, context-independent theory, and crucial for solid theory-building (Flyvbjerg 2006, 224). This qualitative method builds on existing literature on a subject, and embraces fully the basic tasks of research, which in essence are: "(1) to devise ways of leveraging existing understanding to extend our knowledge, and (2) to decide what are sensible revisions of prior understandings in light of the knowledge just acquired" (McKeown 1999, 187). Making summaries of case studies to produce general propositions and theories is often a difficult operation, Flyvbjerg (2006, 241) points out, but maintains that this is more a function of the reality studied, than the research method *per se*. As seen in the classic framework by Guba and Lincoln (1994, 106), one may adopt a qualitative, case study approach to address the research question, to avoid the "context stripping" and "exclusion of meaning and purpose" of quantitative methods, and do so *without* having to leave behind the scientific standards associated with quantitative, large-*N* research.

Two opposing views of what the case study is supposed to do, have been presented by Gerring and Yin. It is the view of Yin that informs my master's thesis. According to Gerring, the purpose of an intensive study of one case "is – at least in part – to shed light on a larger class of cases (a population)" (2012, 20). By using the same figure of speech, Yin contends that: "Rather than thinking about your case as a sample, you should think of it as the opportunity to shed empirical light about some theoretical concepts or principles (2014, 40)." This is truly enlightening because it allows us to distinguish between statistical and analytic generalisation, and saves the case study from the devastating, (and still quite prevalent), view that nothing can be learned from them (Flyvbjerg 2006, 260). Analytic generalisations are at a higher conceptual level than the case being studied, are believed to be applicable to other situations, and are presented in the form of "a carefully posed theoretical statement, theory, or theoretical proposition" (Yin 2014, 68). Yin suggests that there are two empirically informed bases for making analytic generalisations: (a) advancing of theoretical concepts referenced in the initial designing of the case study, and; (b) new concepts that grow out of the finished case study (ibid., 40–41).

"Case study research suffers problems of representativeness because it includes, by definition, only a small number of cases of some more general phenomenon (Gerring 2012, 43)."

Gerring's view that case studies must shed light on a population, from which a sample is drawn, invariably evokes the language of statistical generalisation, which is why Yin rejects such terminology (2014, 42–44). Case studies prioritise internal validity over external validity, a trade-off that necessarily limits this method's ability to claim *representativeness* for the findings produced, which is rather the comparative advantage of statistically driven, large-*N* research. Since case studies are "generally strong where statistical methods and formal models are weak" (George and Bennett 2005, 19), the approach chosen by Gerring sells this method short. Its main strengths are conceptual validity, procedures for generating hypotheses, ability to examine assumptions in individual cases and deal with causal complexity, which taken together is a good reason for choosing *depth* over *width*, when the research question requires it (ibid., 19–22).

King, Keohane and Verba (KKV) have issued stern warnings against single-case studies, and claim that "nothing whatsoever can be learned about the causes of the dependent variable" from cases that are selected on the basis of a particular value on that variable (1994, 129). No-variance cases are even worse, and treated as instances of "extreme selection bias", that *must* be avoided (ibid., 130). Since KKV's proposed solution is to increase the *N*, and have cases with different values on the dependent variable, it is easy to see why this method has often been discredited in the study of comparative politics. When KKV and Geddes (2003, chap. 3) warn against selecting on the dependent variable, they use the regression line associated with large-*N* studies to illustrate the systematic error introduced by diverting attention towards extreme values. Statistical regressions that overrepresent outliers in the sample, give systematically biased estimates. Cross-case, small-*N* research also faces similar problems, but *within*-case analysis need not, since they use causal-process observations (often shortened CPOs) to distinguish between the independent variable and the error term, and do not rely on examining relationship between variables *across* a sample of cases (Brady, Collier, and Seawright 2004, 97). As long as the researcher is modest, and does not attempt to conclude that factors at play in one case also holds for other cases, overgeneralisation is not a problem for single-case studies (ibid., 98).

4.1.2   Case selection and type of case

George and Bennett stress the importance of stating "what is the class or subclass of events of which the case[s] will be instances" (2005, 76). I have given a detailed account of consociational theory development and the four characteristics, or attributes, that define a *consociation*, in previous chapters – in the introduction, and then in the theory chapter. As Bosnia have all of

these characteristics (Bose 2002; Kasapović 2006; Bieber 2004), it must be considered a consociational case. I have explained that consociationalism suffers from conceptual stretching and that post-war societies differ from the classical, plural societies in Western Europe, in important respects. BiH belongs to the subclass of post-war consociations, but does this mean that a single-case study of BiH is *representative* of this subclass? The answer is no: externally valid – *statistical* – generalisation based on one case is not possible, and not a goal of my study.

A single-case study is considered appropriate when cross-case evidence is "scarce and hetero-geneous", when explanations of a particular case may be more certain than of a class of cases (Gerring 2006, 709). A comprehensive review of cross-case studies reveals great conceptual discrepancy on power-sharing arrangements (Binningsbø 2013), which of course has important consequences for empirical extension (Goertz 2006). Consequently, there exists no scholarly agreement on the population of consociations. External validity is thus a concern for all research on power-sharing, not just case studies; cross-case studies suffer from problems of selection bias and endogeneity, which helps explain why these power-sharing studies reach opposing conclusions (Gates and Strøm 2008, 7). Binningsbø (2013, 96) notes how Norris (2008) equates power-sharing with consensus democracy, rather than with consociationalism (Lijphart 1977; 1985). Yet the concepts are different, and the nature of consociational democracy has remained unchanged, despite the elevation of grand coalitions and cultural autonomy. Maintaining conceptual validity is a strength of the case study method, George and Bennett argue (2005, 19–22), which is important when dealing with the issues of ethnic conflict and education policy.

Choosing consociational, post-war Bosnia for a study on ethnic conflict and the consociational prescription to have cultural autonomy, was obviously not a random pick – nor should it be: "case selection should be an integral part of a good research study to achieve well-defined objects of the study" (George and Bennett 2005, 83). The primary criterion for choosing a case is the relevance to the research objective of the study, regardless whether the aim is to *test* theory, or to *develop* theory (ibid.), which is what I aim to do. Since selection bias need not be problematic for single-case studies, strategies are available for choosing cases based on expectations about their information content (Flyvbjerg 2006). The justification for choosing to study Bosnia was provided in chapter 1.3, and was informed by what McKeown (1999, 164) has called "case selection heuristics". Far from being "atheoretical" (Lijphart 1971a, 691), the use of selection heuristics makes the most of existing research when selecting a case, to extend our

common knowledge. Arend Lijphart's study of the Netherlands (1968) is a terrific example of how one deviant case challenged pluralist theory, and launched the rival consociational theory.

A number of typologies have been developed to classify *types* of cases, since specifying type of case is equivalent to stating what type of theory-building that is being undertaken (George and Bennett 2005, 76). I regard Bosnia as a *deviant* case, which is what George and Bennett term *heuristic*; such studies "inductively identify new variables, hypotheses, causal mechanisms, and causal paths" (2005, 75). Flyvbjerg calls this type of cases extreme/deviant, which is chosen to obtain information on "unusual cases", that are either "especially problematic or especially good in a more closely defined sense" (2006, 230). But in the same way that a typical case requires knowledge of a population, the *extreme* case implicitly rely on comparison with a larger sample of cases. Following the lead of Seawright and Gerring (2008, 301–303), I therefore distinguish between cases that are rare because they have extreme values on a variable of interest, and those that deviate from "some general understanding of a topic (either a theory or common sense), demonstrating a surprising value" (ibid., 302); a deviant case is thus one poorly explained by an existing theory. This seems to hold for Bosnia and consociationalism, which assumes the virtues of education, but has not grappled with its potentially 'negative face in ethnic conflict', which this country has been said to epitomise (Owen-Jackson 2008, 86).

It is important to make explicit that studies of deviant cases have an *exploratory* purpose, which is to "probe for new – but as yet unspecified – explanations" (Gerring and Seawright 2008, 302), and that this is the purpose of my research. To be clear: the "deviantness" of Bosnia is here assessed in relation to the consociational prescription that explicitly recognising and strengthening the segments of a deeply divided society – via decentralisation of decision-making in education – is supposed to play a constructive role in conflict resolution (Lijphart 1977, 42). In chapter 3, it was explained that both decentralisation and education are context-dependent properties, and that the consociational theory was developed in a Western European context. I intend to explore how cultural autonomy has perpetuated ethnic conflict in post-war Bosnia by looking at manifestations of educational protectionism (Božić 2006; Swimelar 2013).

4.1.3   Embedded single-case design

A research design is understood as the "logical sequence that connects the empirical data to a study's initial research questions and, ultimately, to its conclusions" (Yin 2014, 28). My

rationale for doing a single-case study on Bosnia has already been explained, and I now move on to present the formal research design of my research project, which is structured according to one of Yin's four basic types of case designs (2014, 50). Studies that examine the "global nature" of a single case employ what Yin calls a *holistic* design, which is deemed appropriate when "no logical subunits can be identified or when the relevant theory underlying the case study is itself of a holistic nature" (ibid., 55). The two arguments against the holistic design are that the entire nature of the case could potentially *shift* during the study, without being detected, and secondly, that it avoids "examining any specific phenomenon in operational detail" (ibid.). The first argument may pose a great threat to a study's internal validity, while the second calls into question the very justification for choosing a method that is defined as in-depth inquiry.

My research project checks those problems by using an *embedded* case design, which involves units at more than one level (Yin 2014, 53–54). In chapter 5, I analyse the global picture of Bosnian primary and secondary schooling, with its 14 different ministries of education and few functional coordinating mechanisms between them. Competencies are highly fragmented, which means that any study on education in Bosnia would be incomplete if it focused solely on the national level. For this reason, I chose to do my fieldwork in Sarajevo, the capital, and in Mostar as well. Mostar is the largest city in the Herzegovina-Neretva canton, with 113.169 inhabitants (FZS 2013, 70), and the cultural capital of the Croats in Bosnia. It was the site of devastating battles in the early 1990s, when an alliance of Bosniaks and Croats first fought against Serbs, but later turned on each other. The city remains extremely divided and is often seen as a microcosm of FBiH, as both the city and the entity are mainly divided between Croats and Bosniaks (Stover and Weinstein 2004, 7). The notorious "two schools under one roof" are found only in two multi-ethnic cantons of the entity of FBiH. I chose to study Herzegovina-Neretva because of the high-profile status of the "2in1" phenomenon, and because of judicial developments in that canton. The Municipal Court in Mostar has instructed two primary schools and the cantonal ministry of education to end segregation of students on the basis of ethnicity, no later than 1 September 2012. This decision was upheld by the Supreme Court of the FBiH, on 29 August 2014, which is the third and final instance, but implementation has been slow.

The findings from the analysis are discussed in the penultimate chapter of the thesis, which considers the implications for the consociational prescription to have cultural autonomy. I first use the "2in1" issue as an entry point to educational protectionism in Bosnia, before broadening my analysis considerably. It is imperative not to ignore to the larger, holistic aspects of the case

(post-war Bosnia), since a potential pitfall of the embedded case design is not to return from the subunit level, which would have meant trading the case for the sub-unit (the "2in1" phenomenon) (Yin 2014, 55–56). The importance of this point was brought home to me during fieldwork, when several informants stressed that I should focus not only on the "2in1s" but also on mono-ethnical schools and biased curricula, which is the norm in Bosnia. Their comments highlight the iterative relationship between qualitative research designs and data collection.

4.2 Data collection

4.2.1 Transparency, replicability and reliability

"Although in a general way all empirical research relies on feedback from empirical work to modify theory and to to redirect subsequent research, in case study designs the feedback loop often operates within the case besides affecting the theory and methods applied to subsequent empirical research (McKeown 1999, 184–185)." Making the necessary corrections to a study can be demanding, but is an unavoidable part of the qualitative research process. After my first interviews in Bosnia, I quickly took to the habit of justifying why I was doing research on the "two schools under one roof", as a part of my introduction. The flexibility of the case study method helped me avoid a research design that could otherwise have become too narrow. Detailed contextual knowledge from the field is helpful to assess the adequacy of empirical methods employed in the study (McKeown 2004, 141), and increases the researcher's ability to detect "unsuspected slippage" in the nature of the case (Yin 2014, 55). This kind of iterated dialogue among theory, data, and research design is one of the main tools listed by McKeown for case study researchers, and from this point of view, post hoc model-fitting is not only legitimate, it rewards greater learning from the data, and improved internal validity (2004, 141).

The essence of *replicability* was captured by Umberto Eco in 1977, in a guide where he instructs Italian students on how to write a *laurea* thesis: the students were to organise the assembled data on a specified topic, into an organic form, ensure that the reader understood the research project, and provide him or her with the necessary documentation, so that they could re-examine the topic through those sources (Eco 2015, 6). Small-*N* studies that rely on qualitative data, "thick" concepts and theories (Coppedge 1999) are not alone in piling decisions on the researcher to which only subjective options are available, but the inherent iterative element in these studies makes transparency especially important. Both data collection and analyses should

be replicable, which includes the "entire reasoning process used in reaching our conclusions" (King, Keohane, and Verba 1994, 26). Researchers doing case studies need to be open about their research process, their assumptions, and preconceived views, to pre-empt the general criticism that "the method maintains a bias towards verification" (Flyvbjerg 2006, 234). The strategy advised by Yin, whom I follow closely, is to only report findings that are supported by a range of different, converging data – which is why it is called *triangulation* (2014, 121).

Qualitative data collection can suffer from *reliability* issues – which "means that applying the same procedure in the same way will [not] always produce the same measure" (King, Keohane, and Verba 1994, 25)". According to KKV, reporting how the data were created and how they were obtained, ranks as the single most important rule for data collection (ibid., 51). In the next sections, 4.2.2–4.2.5, I will therefore provide a detailed account of why and how my recorded, semi-structured interviews were done, and what supplementary data were collected and used.

4.2.2   Interviewing as method

"An interview is a method of directly collecting data on the attitudes and behaviors of individuals through questions posed by the researcher and answers provided by a respondent (Klofstad 2005)." In preparing for and conducting the interviews that make up the bulk of my primary sources, I tried to follow as closely as possible the outline presented by Anne Ryen (2002), who perfectly supplements Yin's book on case studies (2014, chaps 3–4). The advantage of her book is the integrated treatment of all aspects of the qualitative interview, from its philosophical underpinnings, to preparations, execution and analysis of output. She builds on Gubrium and Holstein's (1997) typology of four qualitative paradigms: naturalism, ethno-methodology, emotionalism and postmodernism, and then outlines the naturalistic approach to interviewing, which is the approach most often used in the social sciences, and the one that I used to model my data collection after. Quotes in this thesis are put in quotation marks in the belief that informants' answers contain representative and meaningful insights into how they perceive social life (Ryen 2002, 60–62). The researcher is interested in "what"-questions – that is, on the data that exist "inside" the informant – and makes use of guidelines and interview techniques to increase reliability and to avoid contaminating the informant (ibid., 100).

It is crucial to separate between different levels of questions: the interview guide contains questions asked of particular informants (level 1), whereas the case study protocol contains

questions in the case study to be answered by the researcher (level 2). Yin (2014, 90–91) uses the analogy of a clinician, which accurately explains the difference between the two levels: When the clinician asks the client questions, in order to reach a diagnosis, the *verbal* line of inquiry is different from the *mental* line of inquiry. Thus, when quotes are used in the thesis, they are presented to visualise the researcher's own conclusions (Ryen 2002, 62). In dealing with informants, I was very much aware "that it is not the obligation of a subject to be objective and tell the truth" (Berry 2002, 680). This was obvious in my meeting with the leader of HDZ in Mostar, who would routinely use the phrase: "It's up to analysis" when he did not want to answer – thereby making explicit the difference between level 1 and level 2 questions.[18]

The author of that warning also cautions the researcher against reiterating analyses by informants whose stated views are closer to his own predispositions, in the belief that their analyses are more objective (Berry 2002, 680). I interviewed a member of the Nansen Dialogue Network who was critical of the international community's preference for short-term projects over supporting long-term grass-root processes.[19] This informant praised Norway's long-time support to their dialogue network, and was highly critical of the current government that had cut subsidies to peace-building projects, and of the current ambassador to Bosnia, who had prioritised differently than her predecessor. Even though that informant held views similar to my own, it was clear that she also had an agenda. The solution to both these cases was to "use the interview for what it is" (ibid.), and to ask questions that could pay off despite such biases.

4.2.3   Fieldwork and sampling of informants

Preparations for fieldwork started in September 2015, and contact with potential informants was established via e-mail or telephone between October and December. Informants were sampled because of their affiliation with a governmental body (on state, entity, cantonal or city level), a foreign diplomatic bureau, an international organisation or an NGO, or a political party, working on education in Bosnia.[20] Alternatively, informants were sampled because of personal experience, for example a professor working on education. A total of eighteen interviews were held in this period; two were unstructured talks with the Norwegian Embassy in Sarajevo and

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[18] Dzeba, Damir. *Interview*. Mostar, 15.1.2016. HDZ Mostar, party leader.
[19] Goranci, Ljuljjeta Brkic. *Interview*. Sarajevo, 5.1.2016. NDC Sarajevo, senior adviser.
[20] These criteria were checked with Steinar Bryn, senior advisor at the Nansen Center for Peace and Dialogue, and with Elvir Djuliman, director at NDC Mostar. Both were helpful in my fieldwork preparations. I met with both at the Nansen Dialogue Network's 20th anniversary seminar in Oslo, on 21 October 2015. We communicated via e-mail throughout the autumn, and I later made an interview with Elvir Djuliman, during my fieldwork.

the EUSR Delegation in Mostar, to get a better understanding of the current political situation. The interview distribution was as follows: INGOs ($N = 3$); NGOs/funds (5); academics (2); local political leaders (2); teaching school directors (2); and governmental bodies (2).[21]

Fieldwork was completed in the first three weeks of January 2016. I stayed in Sarajevo for the first eleven days, before travelling on to Mostar, where I stayed for ten days, before flying back from Sarajevo on the 23rd of January. The choice of visiting both cities reflected my ambition to cover primary and secondary education in general, and to include the local level, since this is where both decision-making and implementation occur. My timing, close to Christmas and New Year, meant that interviews with Council of Europe and UNICEF could not be arranged because the staff had not returned from holidays, but otherwise meant that a slot in the calendar was open for doing an interview. Several informants commended the timing of my fieldwork, and cited it is as the reason why they could take the time to meet with me. Agreements made prior to my arrival in Bosnia accounted for a majority of my informants ($N = 10$), who were often helpful and suggested other people to talk to. Most informants greeted me at their working place, in their office ($N = 10$) or a neutral meeting room ($N = 3$). One interview was held in an empty lecture hall at a university, and two were held at a café, without much background noise.

In Sarajevo, six out of eight interviews had been scheduled before arrival. The two exceptions were an interview with Schüler Helfen Leben and one with the independent researcher Valery Perry, whom I had been unable to reach while in Norway, but who was an acquaintance of Adila Pašalić-Kreso. Perry and Pašalić-Kreso are both experienced scholars, who have followed Bosnian education closely for decades. At the European Union's delegation to BiH, I got to interview Marsaili Fraser. She had been promoted from her previous post in Mostar to the head of the political division, and offered a political overview that was crucial at an early stage of my fieldwork. OSCE in Sarajevo was adamant not to be quoted, but provided valuable all-round insights into how this organisation has worked on education since taking the lead role from the OHR. The Open Society Fund was a successful strategic litigator in the "2in1" lawsuit and gave invaluable information. Their litigation partners, Vaša Prava, were unavailable during my time in Sarajevo, and the staff in Mostar did not speak English, so an interview could not be arranged.

In Mostar, I met with three non-governmental organisations, two political parties, the Federal Ministry of Education and Science, and the Agency for Pre-Primary, Primary and Secondary

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[21] Confer appendix 9.5 for a full list of the informants I interviewed in Sarajevo and Mostar.

Education (APOSO). I wanted to speak with the stakeholders in the city, SDA and HDZ, and managed to secure an interview with HDZ. Numerous attempts through the cantonal Ministry of Education, Science, Culture and Sport at interviewing the education minister, and through the SDA party office, were unsuccessful. I interviewed two school directors and teachers who had experience with teaching at a "2in1" school; they now work as head of the Bosnian curriculum at the nominally integrated Gymnasium in Mostar, and as headmistress of the United World College in Mostar. I also interviewed an international organisation in Mostar, who spoke about the international community's struggles with securing a tolerant learning environment in BiH.

4.2.4   Semi-structured interviews

Compared to my planned structure, but much in line with the view that case study interviews "resemble guided conversation more rather than structured queries" (Yin 2014, 110), informants were given 'licence to roam', and my prepared questions were therefore often answered in a round-about way. A case study protocol was developed prior to my fieldwork (based on Ryen 2002, chap. 6; Yin 2014, chap. 3), and the section on data collection questions forms the basis of this paragraph. A semi-structured approach with open-ended questions was chosen for the interview guide, to give informants the opportunity to articulate their response, as they were the experts on their areas of expertise.[22] The guide envisioned a short introduction, followed by "grand-tour" questions and then "category" questions, before I would ask the informants if any important questions had not yet been covered, or needed to be clarified, before the interview was closed on a positive note. My "grand-tour" questions covered primary and secondary schooling in general, and the informants were encouraged to speak freely. I tried to be open and polite, and used interventions, such as follow-up questions ("Could you say more about this?" "Do you have an example?"), long pauses, and subtle cues ("mm"). The interview guide was supplemented with category questions depending on the informant's occupation. The category questions dealt with formal aspects on the "two schools under one roof," and were only asked if these questions had not been covered already; this happened more than once, since both types of questions were included in the formal interview request.[23] *Detailed information on all informants and interviews is provided in the appendix,* as indicated in the footnotes.

All interviews were done in English. Not knowing the local language was a concern somewhat

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[22] Confer appendix 9.4 for the basic interview guide used during fieldwork.
[23] Confer appendix 9.2 for information letter presented to all informants.

eased by the linguistic competence of my Bosnian informants. On three occasions did staff members fill the role as an interpreter, and the quality of the interviews varied considerably. When I interviewed the FBiH assistant minister, he would use short paragraphs, allowing his secretary to interpret everything before proceeding. I was reassured of the interview quality because I had spoken with him on the telephone earlier, in English, so I knew he could understand most of what was being said. Conversely, my interview with APOSO was mostly an interview with the interpreter, instead of her superior. In the end, this did not matter much, since that senior staff member could provide me with a wealth of information on how the agency developed curriculum. Finally, my interview with the leader of the multi-ethnic party SDP was rather poor, since his aid could not properly convey my questions, nor the party leader's answers. My response to try to salvage this interview was to ask less sophisticated questions.

Generally, my informants were friendly and willing to answer to all of my questions; if they did not understand, they would ask me to repeat, or to rephrase the question. The interviews were stipulated to last approximately 40 minutes, and usually lasted between 35 and 50 minutes. My longest, however, lasted three times as long; well aware of the time elapsed since my first question, I tried to close the interview, but this key informant was eager to speak on politicisation of school boards: "So let's go to the coast, and we'll spend two weekends talking about Prozor-Rama school…"[24] I wanted to record and transcribe the interviews to increase the reliability of the data collection, which none of my informants objected to. Recording had the advantage of allowing me to develop a good relationship with the informants instead of having to take extensive notes, and increased the quality of the output, since the interviews were conscientiously transcribed, word for word, upon return to Norway. The transcript was later e-mailed to the informants, who were given a chance to comment or correct it.[25] An international organisation in Mostar opted to be anonymous after receiving the transcript, and I cannot reveal the names or positions of my two informants. Their expert-knowledge from the Herzegovina-Neretva canton was most informative, and could not have been attained in any other way.

The option to withdraw from the research project, without having to state a specific reason, is a basic right that all informants have. A deputy director and professor at the Gymnasium in Mostar withdrew from our interview, after having received a 14-page long transcript. I did not

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[24] International organisation. *Interview on condition of anonymity*. Mostar, 13.1.2016.
[25] Two folders will be kept electronically, one with recordings and the other with transcripts, until the master thesis has been handed in and censored, to document that the interviews took place as described herein.

have the deputy director's e-mail address, and the Gymnasium had only put one address on its website. I sent my e-mail to the joint administration ([gimn.mostar@gmail.com)](mailto:gimn.mostar@gmail.com), and asked the administration to forward the transcript. The deputy director had only been on the job for two months, and sent me a response from a private e-mail address, stating that the interview could not be used. The deputy director chose to rescind our interview after two months, on the very day I had sent the administration my transcript. I wrote back that this option was completely legit, but that my data material would become leaner, and that it would be preferable if I could provide some explanation as to why this happened. The deputy director hoped that I could understand why this choice had to be made, despite me having done a lot of work. I will return to this experience in the analysis chapter. Since it happened in late March, long after my return to Norway, doing additional interviews on schooling in Mostar was not a feasible alternative.

4.2.5   Supplementary data sources

Primary sources besides transcripts from interviews, include legal documents (constitutions, regular laws, and international treaties), and election data. I also draw on observational data and informal talks I had with people I met during my fieldwork. Since I do not master the language, a survey of Bosnian media outlets had to be ruled out. Certain laws and documents were unavailable in English, but the Mostar Municipal Court decision had been translated by the Open Society Fund, and was e-mailed to me. A range of secondary sources is used to strengthen the analysis, including English newspaper articles (especially from *Balkan Insight*), and scholarly work drawn from the fields of social anthropology, comparative education, and comparative politics. Data is also drawn from various reports developed by international organisations (in particular UNICEF), and the UN reporting cycles. A language barrier meant that certain secondary sources, including reports and academic papers, were unavailable during my research project (for example: Brkić and Brkić 2009; Madacki and Karamehic 2012).

4.3 Ethical considerations

A benefit of doing my own fieldwork was the opportunity I got to examine what previous research still contained valid descriptions of divisive schooling in Bosnia – as a sort of 'reality-check' on earlier findings. The Bosnian-American scholar Azra Hromadžić has written extensively from her ethnographic fieldwork at the once segregated Gymnasium in Mostar (2008; 2009; 2012). This secondary school was administratively unified under international

pressure and subsequently studied by Hromadžić, from June 2004 till December 2006. When I visited the school in January 2016, I interviewed one of the teachers who worked there in that period, and who is now the headmistress at the United World College (UWC), located in the same building. I asked her about mixing between Bosniaks and Croats, who after the unification would only meet and smoke together in the bathroom on the third floor: "[S]o for some people it was the first time to be in the mixed building and so on, and so, eh. No, it's ten years after, I don't think people think a lot about that [laughs]".[26] Mixing between students does occur. Such 'reality-checks' were crucial for my research project, as a central part of my research question is about ethnicity in a culture different from my own. Special attention was given to point 25 in the research guidelines given by The National Committee for Research Ethics in the Social Sciences and the Humanities (NESH 2006, 25). According to this guideline, research must be conducted with knowledge and respect for the culture that is being studied, and the researcher must be careful about "operating with classifications or designations that give grounds for unreasonable generalisations". Cooperation with "local inhabitants […] their representatives and local authorities" is one method that is encouraged, in order to avoid imprecise labelling.

According to Norwegian law, (*Personopplysningsloven*, § 2.8.a.), data on ethnic background is considered sensitive data. In the notification sent to the Norwegian Social Science Data Services (NSD), it was informed that such data might be registered – for instance if a parent mentioned what curriculum, (Bosnian or Croatian), his or her child was enrolled in.[27] No question was ever asked about ethnic background during interviews, but it was often revealed indirectly. For this reason, *free* and *informed* consent from the informants selected for interviews, was an absolute requirement for participation. Most of my informants are identifiable by name, affiliation and job title in my master's thesis, but all were offered the option to be anonymous. Participation was voluntary and the informants were informed that they could withdraw their consent at any time, without having to state any special reason. An information letter was given to the informants prior to our interview, by e-mail and as a hand-out. This letter presented the researcher, the purpose of my research project, and how the proposed interview was structured – including a thematic overview and a time stipulation. It informed about what other data that were used in the study, and how all gathered data would be stored and analysed. This information was also presented orally before the interviews started.

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[26] Mindoljević, Valentina. *Interview*. Mostar, 14.1.2016. The United World College, headmistress.
[27] NSD has approved the use of interviews in this research project. Confer documentation in the appendix.

4.3.1 Reflections on the emphasis on ethnic boundaries

Sensitivity to context is why I have included a detailed chapter on concepts and culture, provided information on the social aspects on ethno-nationalist politics, and on the civil war that divided the constituent peoples of Bosnia. While realism about ethnic divisions are needed in any levelled description of the current circumstances in Bosnia, situations may arise when an emphasis on ethnicity becomes counter-productive, and even stand in the way of feasible change (Dixon 2012, 112). The director at the Nansen Dialogue Centre (NDC) in Mostar told me about the problems they had encountered after Radio Free Europe visited the segregated Traffic and Engineering High-School, a "two schools under one roof", in February 2015. The *Perspektiva* programme interviewed Bosniak and Croat students separately. One of the Croat students explained that he had never set foot on the Bosniak side of Mostar, because he was afraid to go there, and that Bosniak and Croats could be told apart by their gait and colour of skin. Elvir Djuliman described that on "social networks it was crazy", with pressure against the Croat school director, and even against the educational ministry, which had allowed the filming. Djuliman explained that NDC's plans for joint activities in the school were halted after that episode, and that it became more difficult to gain access to schools. *Perspektiva* had taken film clips of Bosniaks and showed them to Croats, and vice versa, instead of bringing the youths together to talk. He questioned this approach since the city of Mostar was not like Israel and Palestine, and after all, the pupils did attend the same school building: "They could just bring them together. This kind of concept is, my feeling, is even *emphasising* division, you know."[28]

The moral philosopher Arne Johan Vetlesen (2005, 155–156) explains in *Evil and Human Agency: Understanding Collective Evildoing* how he has been struggling with a conceptual challenge: to be able to offer sociologically valid descriptions of the horrors of the 1990s, he had to use the terminology of "ethnic cleansing" and exclusivist identity classifications (Serbs, Croats, and Bosniaks). I have had similar conceptual challenges, since ethnic labels are used to name the three political communities in Bosnia, and therefore – to name persons. I sincerely hope that I do not emphasise divisions, in the way Elvir Djuliman meant. I have done my utmost to use a nuanced terminology in the master's thesis, when referring to languages and groups, even if it at times means that the text becomes more difficult to read. The terminology and concepts introduced in the previous chapters must therefore be recognised as integral parts of my in-depth analysis of divisive schooling, which starts with the "two schools under one roof".

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[28] Djuliman, Elvir. *Interview*. Nansen Dialogue Centre. Mostar, 19.1.2016: NDC offices.

5 Analysis of divisive schooling in Bosnia

5.1   Entry point to educational protectionism

I will use the "two schools under one roof" as an entry point to educational protectionism in Bosnia. I first elaborate on the high-profile status of these schools, and then offer an account of what has been done to solve the issue of illegal physical segregation based on ethnicity. I then visit a successful attempt at litigation against the practice, and show that little has been done in order to implement the final decision by the FBiH Supreme Court. The existence of these schools raises many issues that are symptomatic for education in Bosnia; by using these divided schools as an entry point, I introduce the fragmented and politicised governance system which is explored in depth in this chapter, and its consequences for inter-ethnic relations, which are analysed and presented as manifestations of exclusivist, educational protectionism. By employing this approach, I provide the basis for an answer to my research question: *Why does the consociational prescription to have cultural autonomy in education contribute to perpetuating ethnic conflict instead of conflict resolving, in post-war societies like Bosnia and Herzegovina?*

5.1.1 "Two schools under one roof"

"Possibly the most visible and obvious symbol of the politicization of education in BiH is 'the two schools under one roof' phenomenon (Perry 2003, 29)." The *dvije skole pod jednim krovom* follows the doctrine that was dismissed by the US Supreme Court in the famous Brown v. Board of Education case in 1954, which dealt with physical segregation of black and white students according to their race. In his conclusion, Chief Justice Earl Warren said: "In the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal" (Minow 2010). A particularly juicy version of the doctrine was expressed by Greta Kuna, the education minister of the Central Bosnia canton in 2007, where it *does* have a place: "The 'two schools under one roof' project will not be suspended because you can't mix apples and pears. Apples with apples and pears with pears (Alić 2008)." The UN Special Rapporteur in the field of cultural rights describes how ethnic boundaries are effectively being delimited in these settings: "The two-schools-under-one-roof system exemplifies how divisions between children based on their national or ethnic affiliation become entrenched by establishing different entrances and staircases, erecting walls and fences, and even scheduling a 15-minute

gap at recess and the start and end of school (Shaheed 2014, para. 42)." The resilience of these schools is remarkable and gives a testament to their politicised nature; they persist despite their huge costs, widespread condemnation, and being against international and domestic law.

European legal demands have been precise and long-lasting, but had little effect. Bosnia joined the Council of Europe (CoE) in 2002, which demanded changes to the current state of affairs, and was the impetus to the adoption of the Framework Law in 2003. CoE has repeatedly specified that ending segregation is a legally binding post-accession demand, a point reiterated in its current action plan for BiH (2015–2017): "Overcoming inter-ethnic divisions in education is an accession commitment by BiH and efforts need to be supported to promote inclusiveness in education, particularly in primary and secondary schools (2015, 4)." In the latest review of compliance with accession demands, CoE reports that "[e]thnic segregation in schools remains an acute issue", and that there is no interest in dealing with the "2in1s" in the cantons of FBiH where these schools exist (CoE 2013). This review refers also to the European Commission against Racism and Intolerance, which concludes that Bosnia has not prioritised or managed to resolve the remaining cases of the "2in1s", in a follow-up on recommendations presented in the ECRI 2011 evaluation report (ECRI 2013). The Human Rights Commissioner addressed the problem of the "2in1s" in both his missions to Bosnia, stating that "the policy of separating children according to their ethnic origin can only reinforce the prejudice and intolerance towards others and perpetuate ethnic isolation", and went on to stress "the need for authorities at all levels to face their responsibility in the education sector: a sector which is of extreme importance for the young generations and the future of the country" (Hammarberg 2008; 2011).

The lack of development on the "2in1" issue is obvious from reading the state of Bosnia and Herzegovina's report cycles in the UN system, which since the early 2000s has reported on and criticised the existence of these schools, in varying depth, in connection with a majority of the treaties that Bosnia has signed onto (CRC, ICCPR, ICESCR, ICERD, CMW and CEDAW).[29] These report cycles offer the latest summaries on actions taken to deal with the "2in1" issue. The Conference of Education Ministers, chaired by the state-level Ministry of Civil Affairs (MoCA), met twelve times between 2008 and 2010, and the "2in1s" were on the agenda five times. A first working group was established in 2008, but its detailed analysis was not accepted

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[29] The ratification of international human rights treaties, reporting cycles and all documents related to a reporting cycle on BiH have been assembled by the UN Human Rights Office of the High Commissioner. See [31.5.2016]: http://tbinternet.ohchr.org/layouts/TreatyBodyExternal/Countries.aspx?CountryCode=BIH&Lang=EN

by the ministers. A second working group was formed and led by OSCE, with representatives from the same ministries, and was tasked to specify the "two schools under one roof" term and how it connected with segregation and discrimination. The report this did not identify such a connection, or appropriate solutions, and was not accepted. The ministers of education from the cantons with "2in1s" denied that the phenomenon constituted segregation, since it protects education in mother tongue, and maintained that it should not be treated as a political problem (BiH 2013b, paras 198–207). The Conference of Education Ministers in 2015 condemned all forms of discrimination, as it did in 2013, and the competent authorities were "invited to comply" with their legal obligations, including the Framework Law. The "2in1s" were still present, mono-ethnic schools were common across the country, and minorities did not always have the same rights as majority members, the Ministry of Human Rights reported (BiH 2016).

Since none of the working group reports were approved, there is not even an official definition of the term "two schools under one roof", and as a consequence, there is no precise number of "2in1s". The Municipal Court in Mostar conveys the figure 54, which is the one used by OSCE (Premilovac 2007; OSCE 2010). As the UN Special Rapporteur in the field of cultural rights points out, this means that less than six per cent of all students are enrolled in the "2in1"-system (Shaheed 2014, para. 43). The sustained international pressure on solving the specific problems in Central Bosnia and Herzegovina-Neretva has served to suppress concerns over the global picture in schooling in Bosnian: with the only exception of the District of Brčko, students are not taught in inclusive, multi-ethnic classes. But exactly because of their high-profile status, the persistence of the "2in1" schools, in places like Mostar, Travnik, Prozor-Rama, Čapljina and Stolac, are perfect examples of the continued influence of politics on the provision of divisive schooling. The UN Special Rapporteur notes that the authorities are fully aware of the depth of the problem, and accurately summarises the whole situation: "No reform has, however, been possible, owing to the inability of the fragmented governmental system to take action, the politicization of education issues and the mistrust between communities (2014, para. 37)." And such mistrust – this chapter shows – is perpetuated in schooling, contributing to ethnic conflict.

5.1.2   No implementation of FBiH Supreme Court decision

Some of the difficulties in reforming education were articulated during an interview with the Federation Ministry of Education and Science, which in 2011 presented a three-step proposal to solve the "2in1" problem in primary schools. This document aimed at administrative and

legal unification, equal access and fair conditions for all students and full integration of divided schools, with establishing of multi-ethnic classes, but has not been implemented (BiH 2013a, paras 385–395). The steps were read out loud by the FBiH assistant minister, who explained that progress in adopting the document had been slow. His ministry has only a coordination role, he said, and repeated several times during the interview that all competencies are found at the cantonal level. When asked more generally about the lack of progress with the "2in1s", the assistant minister, who was a professor in philosophy by profession, answered rather enigmatically: "This syntagma 'political willingness' can be very, very difficult, and can be opposite to the courts' judgments and any other things related to education and efficiency of activities."[30]

The Law on Prohibition of Discrimination in 2009 provided non-governmental organisations with the opportunity to file a claim against a legal person who is violating the right to equal treatment of a large number of persons. The Ministry of Education, Science, Culture and Sports in Herzegovina-Neretva, the Stolac primary school, and the Čapljina primary school were sued in 2011, over the "2in1" practice. The Municipal Court in 2012 supported Vaša Prava, the plaintiff, and ruled that by organising schools and adopting and implementing curricula based on the ethnic principle, they were separating students on the basis of their ethnic background, thus committing discrimination on a daily basis. This act was in breach of the Constitution of FBiH, the Constitution of Bosnia, EHCR, and the Convention on the Rights of the Child. The evidence provided was a selection of the above-mentioned international reports, which not only gave credibility to Vaša Prava's claim but proved that discrimination was present in the canton. As a rule, all schools in the canton are founded by municipal councils, on approval from the Ministry; there are thus two different institutional levels involved in the schools, in addition to the school's administration. The burden of proof was on the education ministry of Herzegovina-Neretva, which, the Municipal Court noted in its judgement, "failed to demonstrate or even attempted to demonstrate a legitimate aim for the separation of children on ethnic grounds".[31]

The Cantonal Court found that the "2in1" problem was of a *political* nature, and for that reason outside of the its competence (Ivanković-Tamamović 2013). The court questioned whether a non-governmental organisation was a better protector of the children's rights than parents, and opined that the "2in1s" was not a problem as long as there were parents willing to enrol their children. The Cantonal Court did not consider whether the schools were discriminatory, as the

[30] Strujo, Ismet. *Interview*. Federal Ministry of Education and Science. Mostar, 20.1.2016: ministry.
[31] The 2012 decision was translated and e-mailed to me, as noted in chapter 4. Confer appendix 9.1 for details.

case was dismissed on procedural grounds. Unlike the Municipal Court, this second instance did not evoke the doctrine of continuing situations, where the time limit for a lawsuit does not start running before the right violation ends (ibid.). Regional and European case-law support the view that ongoing discrimination cannot be dismissed due to time elapsed, since the students are being discriminated against when they are enrolled for the first time, in the beginning of the school year, and on every day, from September till May. The view of the Municipal Court was upheld by the FBiH Supreme Court, the final instance, on 29 August 2014, which demanded an end to discriminatory schooling in Herzegovina-Neretva (Ombudsmen of BiH 2015, 16).

Open Society Fund, who supported the plaintiff Vaša Prava, explained that they had waited 15 years for a political solution to the "2in1" problem and took to strategic litigation when collective lawsuit became an option. The final decision came too late for the 2014–2015 school year, and nothing happened in the 2015–2016 school year. In January 2016, they were considering individual lawsuits against the education minister and the school directors, who were not making any preparations for implementing the decision before the 2016–2017 school year.[32] After the Supreme Court decision, Adila Pašalić-Kreso remembered that "[w]e almost in my Department celebrated that decision, that this is illegal, and we thought that it would, you know, close up now all these cases, but unfortunately it wasn't case."[33] During fieldwork in January, it was reported that the previous education minister had met with the mayors in Stolac and Čapljina, and shifted responsibility on them, who were also not willing to implement the decision. The new minister, also from SDA, allegedly accepted his responsibility, but was unable, legally and politically, to solve the situation. Financing of schools is split between municipalities (material costs) and canton (salaries), which makes it easy to shift responsibility from one level to the other, and is symptomatic of how educational governance works in Bosnia.[34]

One of my informants, an independent researcher, was asked about the progress after the court decision, and said that nothing had been done. At the end of our interview, Valery Perry tried to put the situation into context: "I guess the end question is, I mean again, in every political system, anywhere: Political actors make decisions that are rational for them. So if the political parties, the political elites here can maintain power and influence, and the money that comes with it, without reforming *anything*, why would they?" The election system is structured to

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[32] Mirascija, Mervan and Dzenana Trbić. *Interview*. Open Society Fund BiH. Sarajevo, 11.1.2016: offices.
[33] Pašalić-Kreso, Adila. *Interview*. 8.1.2016, Sarajevo: University of Sarajevo, Faculty of Philosophy.
[34] International organisation. *Interview on condition of anonymity*. Mostar, 13.1.2016.

keep the ethnic parties in office, which gives them little incentive to education reform. As someone who had worked on Bosnia for 20 years, she said that what was most frustrating about the status quo, was that "[the politicians] are acting perfectly rational, when you look at the incentives in the system" Looking at the political system is exactly what the next section does.

5.2 Ethno-nationalist politics

Before going further into the dynamics of education, one question seems pertinent to answer, namely: who governs Bosnia's complex power-sharing institutions? Chapters 1 and 2 have already touched upon the role of the ethnic parties in Bosnia, and will be elaborated on in this section. Proportional representation is a characteristic of consociations, and the presumption in deeply divided societies is that ethnic parties will emerge (Lijphart 1995b, 281). Elections at the various levels in Bosnia are regulated in unwieldy detail in the Electoral Law, adopted only in 2001, which prescribes the Sainte-Leaguë method of the highest average in elections to the lower houses, with a 3 per cent threshold to compete for compensatory mandates (Sahadžić 2009). Common to all elections is that no politician needs the support from another ethnic group to get elected, because of the "ethnically cleansed" reality on the ground and the country's peculiar constitutional structure, which has the effect of segmenting the marketplace along ethnic lines (Manning 2004, 71). Bosniak political parties represent the largest ethnic group and tend to present only their ideological views, whereas the Serb and Croat ones often include ethnicity in their party names. This rarely causes confusion, however, as "political parties are connected with ethnicities [by Bosnian voters] whether or not they try to appear non-ethnic, and whether or not their candidate lists are representative of other ethnicities" (Šedo 2010, 90).

There is a "visible continuity" from the 1990-election in BiH's party system, and "the primary classification of the parties follows the criterion of the constitutive nation each party belongs to" (Šedo 2010, 87, 90). All Yugoslavian republics held democratic multi-party elections at the sub-federal level in 1990, and three ethno-nationalist parties were quickly founded in SR BiH (before a ban on ethnic parties was lifted by the Constitutional Court). Bosniak SDA, Serb SDS and Croat HDZ received a whopping 73,7 per cent of the votes in November–December. The explanations behind that result are more nuanced their electoral success might suggest since their only opponents were closely tied to the ruling and much despised League of Communists (Mraović 2014; Kapidžić 2014; Stojanović 2014), but the vote nevertheless "empowered three parties that made competing demands and that proved unwilling to compromise" (Bieber 2014,

533). Standard variables for explaining political competition and party system instability, such as fragmentation and party volatility, are of lesser value in a system that, in its third decade, is still marked by the persistence of wartime ethnic parties (Hulsey 2010, 1138). There are currently 7.60 effective parties in the House of Representatives, which has been increasing in the post-war era (Gallagher, 2015); this number is owed to a complex electoral system that favours small parties, as well as party system fragmentation as a consequence of ethnic voting in three separate voter segments, and cannot appropriately be called *in*stability (Bieber 2006, 50).

Table 1. SR BiH / BiH House of Representatives election results, pre- and post-war

Category and party	1990		1996		1998		2000		2002		2006		2010		2014	
	%	Seats	%	Seats	%	Seats	%	Seats	%	Seats	%	Seats	%	Seats	%	Seats
Bosniak																
A-SDA											1,1				1,4	1
BPS			0,1		0,7		1,1	1	0,8		2,7	1			2,4	1
SBB													8,0	4	8,7	4
SBiH			3,9	2	SDA		11,3	5	11,0	6	15,5	8	5,3	2	1,6	
SDA	**31,5**	**43**	**37,9**	**19**	**33,8**	**17**	**18,7**	**8**	**21,9**	**10**	**16,9**	**9**	**13,1**	**7**	**18,7**	**10**
Croat																
HDZ (HK)	**16,1**	**21**	**14,1**	**8**	**11,6**	**6**	**11,4**	**5**	**9,3**	**5**	**4,9**	**3**	**7,0**	**3**	**7,5**	**4**
HDZ-1990 (HZ)											3,7	2	3,1	2	2,5	1
NHI (NHI-HKDU)					2,4	1	1,6	1	1,1	1						
Serb																
DNS							1,4		1,4		1,4	1	1,8	1	2,3	1
NSSM-SM			5,7	2												
PDP							6,4	2	4,3	2	2,0	1	2,4	1	3,1	1
SDBiH (SRS)	8,9	12	ZL		1,7	2										
SDS	**26,1**	**34**	**24,1**	**9**	9,4	4	**16,7**	**6**	**14,0**	**5**	7,7	3	8,4	4	13,0	5
SNS (SLOGA)					SLOGA		1,9	1								
SNSD (PNSD, SNSD-DSP)					12,4	4	5,1	1	9,3	3	**19,1**	**7**	**16,9**	**8**	**15,6**	**6**
SP (SPRS)					SLOGA		2,5	1	2,0	1	1,5					
SRS			2,6		6,9	2	SDS		2,0	1	1,6					
Multi-ethnic																
DF															**9,2**	**5**
NS											2,3	1	2,6	1		
SDP (SKBiH-SDP, ZL)	**12,3**	**15**	4,4	2	9,3	4	**18,0**	**9**	**10,4**	**4**	**10,1**	**5**	**17,3**	**8**	6,7	3
Regional																
DNZ			1,1		1,2	1	1,3	1	1,3		1,2	1	0,9	1	1,0	
Others	5,1	5	6,1		10,6	1	2,6	1	11,2	3	9,4		13,2			
Turnout	77,5	130	46,1	42	70,7	42	63,7	42	55,5	42	54,5	42	56,5	42	59,3	42

Parties and elections in Europe (Nordsieck 2010; 2014)

Notes to table 1: The largest party in an election, in terms of seats, in each of the categories, is marked in bold. Parties with letter values ran with the party that is designated. For full party names, see table 8 in appendix 9.7.

Ethnicity remains politically salient in divided and fragile Bosnia, which has seen a 12.6 improvement on the Fragile State Index the last decade, but retains its "high warning" assessment, ranking 79th, in front of Ukraine (84), with the highest rank in Europe, apart from Russia (65) and Georgia (70). While *group grievances* (7.1 out of 10 in 2015) have improved in the last five years, *factionalised elites* have been stable at a "poor" level for the last decade (8.7 in 2015); this indicator covers power struggles, defectors, flawed elections and political competition. *External intervention* is also stable and "poor" in the last decade (8.2 in 2015), due to the vast, sustained presence of the international community here (The Fund for Peace 2016). The year of 2014 started with disappointed citizens protesting in several of the largest cities in FBiH, in February, followed by a devastating flood in May, and ended with electoral success for the same political elites who had ruled since the war. The Organisation for Security and Co-operation in Europe stated in a press release on the day following voting day, that while the elections were held in a competitive environment, the inter-ethnic divide was still a key factor, as was the lack of a shared vision for the country's future and a growing mistrust in the functioning of democratic institutions (OSCE and ODIHR 2014). The authors of a short essay on the general elections noted how "many" commentators were disappointed by the continued dominance of ethno-nationalist politics. Those authors maintained, however, that there were few incentives for politicians to create moderate, civic-oriented parties, and conversely, little incentive for voters to back such parties, in an environment dominated by fear and patronage: "[A]s a consociational, highly decentralized state structure, with fragmented and largely ethnically homogenous electoral units, the system worked as intended (Perry and Keil 2015, 87)."

A total of six parliamentary and presidential elections were held in 2014, but any one citizen would only vote in four, since the constituencies in Republika Srpska and FBiH vote separately (Hulsey 2015, 43). The significance of this separation is that there are essentially three party systems: one in each entity and one at the state level (Šedo 2010). While it is necessary to differentiate between different party systems at state and entity level, an alternative approach identifies three ethnic party systems, where the war-time parties are challenged by initially more moderate parties (Hulsey 2010). Between them, these approaches capture the institutional peculiarities of each level and how competition generally occurs inside the segments; there is little crossing of ethnic lines, and ideology comes second to ethnicity, barring a few multi-ethnic parties. The 2014 results offer the newest political data on BiH, and are representative of the electoral success of ethnic parties, except for in 2000–2002, when the internationally backed and nominally multi-ethnic Alliance for Change formed government. Serb SNDS and Bosniak

SBiH had presented themselves as moderates in 2000 and joined the multi-ethnic coalition, but then changed course and grew stronger on nationalist rhetoric in 2006 onwards (Hulsey 2010, 1136). In the 2014 presidential elections, SDA held on to the Bosniak seat, HDZ regained the Croat seat after losing it to multi-ethnic SDP for two consecutive elections, whereas SNSD lost out to PDP; all are ethnic parties as defined in chapter 1.1.2. SDA remained the largest party in the country, SNSD fought off SDS in a battle to be the protector of Republika Srpska and Serb interests, while HDZ remained the Croats' preferred option in competition with HDZ-1990.[35]

The results in the entities reflect their ethnic composition. Voters in Republika Srpska elect the Serb member of the three-headed presidency, one third of the Bosnian state House of Representatives, the RS National Assembly and the entity's president. Only one of the representatives to the state parliament from this entity was a non-Serb: Bosniak SDA got a compensatory mandate at the state level, which in practice is the only way to secure a seat from RS. Out of the 83 representatives in the National Assembly, five came from the Domovina-coalition, which was made up by Bosniak, Croat and multi-ethnic parties. SNDS and SDS became the largest parties in all nine constituencies (Central Election Commission 2014). This voter distribution shows how uniform the electoral landscape is all-over the RS, were the Serbs are in majority.

Elections in multi-ethnic FBiH is a whole different ball game. The voters here choose the Bosniak and Croat presidency member (but any single voter may choose only one), two thirds of the BiH House of Representatives, the FBiH House of Representatives, and ten cantonal assemblies. Unlike in RS, there is great a variety between the five constituencies, depending on its ethnic composition. In the constituency that compromises the most of Herzegovina, the Croat HDZ-coalition and HDZ-1990 got 54 per cents of the votes in the BiH House of Representatives election; in the other two constituencies where they received mandates, they had 17 and 15 per cents of the vote, while support was negligible in the last two (Central Election Commission 2014). In neither state nor entity level are Serb parties represented from FBiH, while all the multi-ethnic parties are based in this entity. Out of the 42 seats in the state-level House of Representatives, DF and SDP received five and three seats respectively. At the entity level, SDP were punished for sitting in government [with ethnic parties] in the previous period, and lost more than half of their votes (Perry and Keil 2015, 84). Including the small social-liberal party Nasa Stranka, with one mandate, these multi-ethnic parties received 27 out of 98 mandates.

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[35] All data on the October 12th 2014 general elections, on state and entity level, are presented in tables in the appendix, section 9.6. A list on active parties and their voter base has been provided on page VII.

Ethnic segments in Bosnia are therefore "societal building blocks" (Sisk 1996; Lijphart 1977, 42), recognised and strengthened through elections and cultural autonomy. It is now time to see what kind of structure that has been constructed using those blocks, in the field of education. I start by sketching out the governance system, before analysing "the excessive fragmentation and politicization" that characterise it (Muñoz 2008, para. 54). While the first term is straight-forward, the second term is more elusive. In a dictionary entry, the verb "politicise" has two denotations: (1) to make something a political issue, and (2) to make somebody or something become more involved in politics (Wehmeier and Ashby 2002). This casual definition is broad but mostly captures how the word was used under interviews during my fieldwork in Bosnia.

5.3   Cultural autonomy and education

The Dayton Constitution carves the territory of the Bosnian state into two separate political entities, with extensive legislative, judicial and executive powers, independent of the state level. Bosnia is therefore a *federation*, defined as a governance arrangement with "extensive self-rule with institutionalized shared rule" (Wolff 2013, 29). The small, self-governed District of Brčko with 93,000 inhabitants, exists under the sovereignty of the institutions of BiH, and its territory is held in condominium by the two entities.[36] Republika Srpska is organised as a unitary state, while FBiH is organised as a federation in its own right, with ten cantons and a weak federal level. The competencies of the entities are so extensive that Stefan Wolff even suggests that the relationship between RS and FBiH resembles that of a *confederation*, which is by definition a voluntary association of sovereign member states that pool certain competencies at a power-less confederal level (ibid.). Bosnia's Constitutional Court has firmly rejected the notion that Bosnia is built on a *de jure* principle of ethnic federalism, and upheld the principle of pluralism instead of territorial segregation (Ademović and Steiner 2010, 65–67), but the way people reside means that most administrative units in the country now have a distinct ethnic majority.

Annex 7 of the GFAP aimed at return for those hundreds of thousands who were forced on the move during the war, but according to one commentator, the actual "strategy implicit in the Dayton Accords was to allow the ethnically defined, wartime regimes to consolidate their separate spheres of influence" (Cox 2008, 250–251). Clear ethnic majorities in most parts of the country means that "the transfer of authority to lower levels in Bosnia serves to freeze the ethnic segregation developed during the war" (A. Fischer 2007, 301). A widely distributed map,

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[36] "Constitution of Bosnia and Herzegovina", art. VI, 4

produced by the Office of the High-Representative indicates that the boundaries of the administrative units follow the ethnic boundaries in most parts of the country.[37] Republika Srpska is predominantly Serb, three cantons in FBiH are predominantly Croat, five cantons are predominantly Bosniak, while the Herzegovina-Neretva and Central Bosnia cantons have a mixed Bosniak-Croat population (Pašalić-Kreso 2008, 358). The contested 2013 census results have been held back due to methodological disagreements between the statistical bureaus of the entities (Toe 2016a), but electoral results and estimations show that while Republika Srpska is mostly Serb, the 79 municipalities in FBiH are mostly of a Bosniak majority; four have a Serb majority and roughly twenty have a Croat majority (Bochsler and Schläpfer 2013). Politicisation of census processes has been a challenge throughout the Western Balkans (Visoka and Gjevori 2013), but might prove insolvable in Bosnia. As of May 2016, it is uncertain whether the results from the costly census will ever be published. The statistical bureau based in Banja Luka, the capital of RS, wants to determine the number of residents on education or place of work; some 400 000 individuals may be erased depending on the criteria applied (Toe 2015).

"The decentralising logic of Dayton has made education a hostage to latent nationalism in BiH," the Organisation for Economic Co-operation and Development (OECD) observed in a comprehensive review of education policy in Bosnia (2003, 117). This review also observed that "[i]t is premature to speak of 'systematic reform' as there is, at present, not a clear 'system' in BiH" (ibid.). What is remarkable is that both observations made by OECD still hold in 2016, thirteen years later. There are no less than twelve separate educational systems inside a country with 3.8 million inhabitants. The governance system, presented in figure 5, is a function of the Dayton Peace Accords (DPA), and the constitution found in Annex 4, which allocates responsibility for education to the constituent entities.[38] The figure offers an overview over all education-related bodies in Bosnia, covering four levels of government, the Agency for Pre-Primary, Primary and Secondary Education (APOSO), universities and pedagogical institutes. Apart from the District of Brčko, whose public authorities have competencies in education,[39] all decision-making bodies are associated with a particular constituent people, Bosniak, Croat or Serb. The consociational approach to cultural autonomy in education, when applied to the post-war reality in this diverse and ethnically heterogeneous country, translates into an extremely complicated governance system, with decentralised responsibility and little interference in internal affairs.

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[37] See Figure 2. Map with distribution of constituent peoples in the start of the thesis, on page XI.
[38] "The Constitution of Bosnia and Herzegovina", art. III, 3 (a).
[39] "The Statute of the Brcko District", section II art. 1 (a) (f)

Figure 5. Educational governance system in Bosnia and Herzegovina (Based on: Magil 2010, 28).
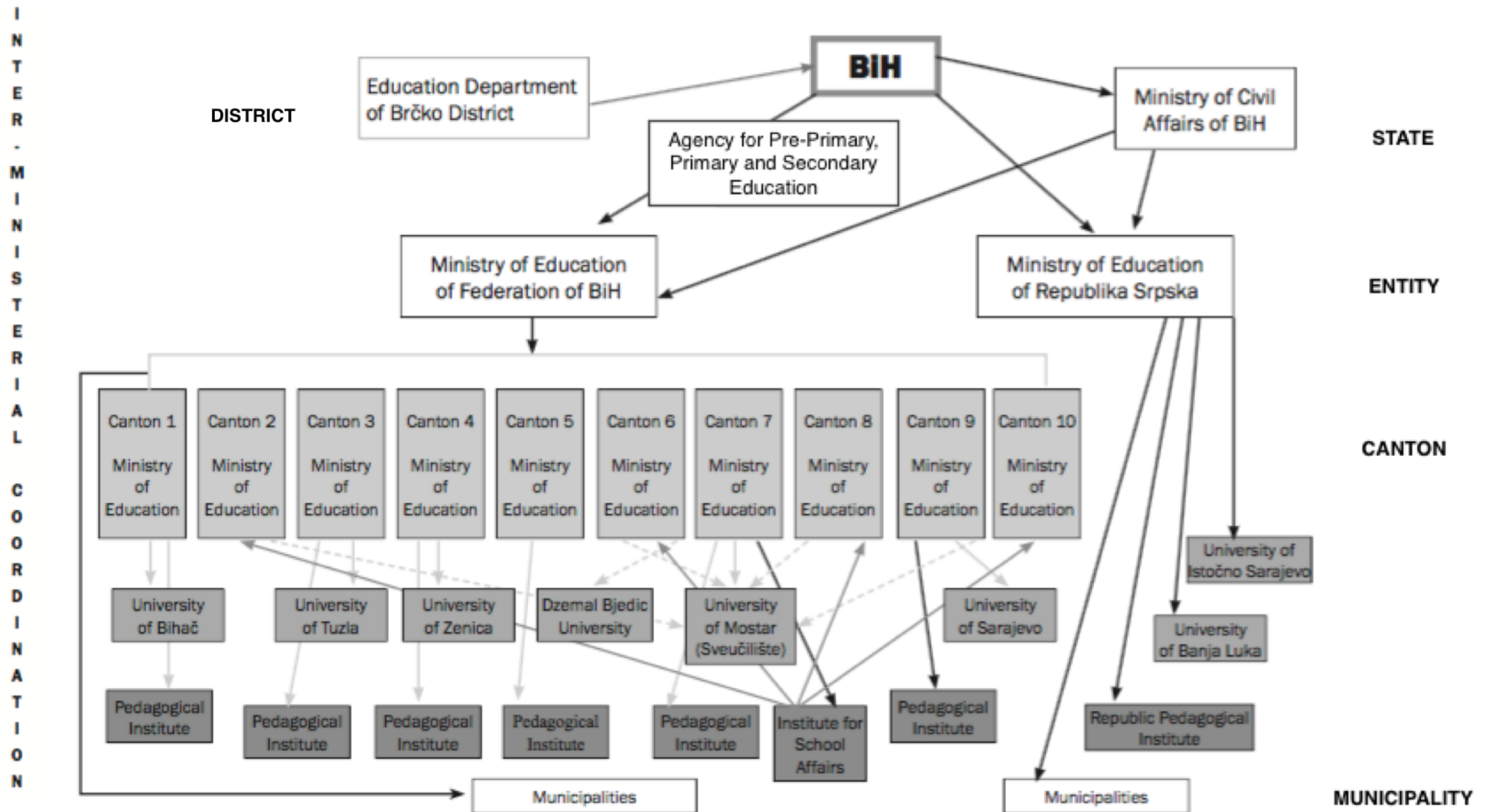
Republika Srpska does not have a middle-layer and decision-making authority is therefore highly centralised in the Ministry of Education and Culture of this entity. In FBiH, the educational ministries of the ten cantons have sole responsibility for "making education policy, including decisions concerning the regulation and provision of education".[40] It is important to note that in *legal terms*, none of the cantonal constitutions specify that a canton or municipality belong to a particular constituent people, Bosniak or Croat, and all cantons are required to take its name after the city where the government has its seat or some regional geographic feature.[41] A special provision in the FBiH constitution gives all cantons the option to "delegate functions concerning education […] if the majority of the population in the municipality or city is other than that of the Canton as a whole". Such delegation of education to the municipalities is obligatory for the mixed cantons of Central Bosnia and Herzegovina-Neretva.[42] This means that ethnic heterogeneity is dealt with through further decentralisation, to ensure *de facto* ethnic majority control over education. Reflecting the asymmetry between the entities, the Federal Ministry of Education and Science in FBiH has only a harmonising role, and is seen as a Bosniak institution. The three Croat cantons do not recognise the Federal Ministry, which has no powers specified in the entity's constitution; the Croat cantons have set up a coordinating mechanism,[43] and is led by the educational ministry in West-Herzegovina (Perry 2015, 13–14).

How does it all work in practice? With an overview of the governance system, and knowledge of the dominance of ethno-nationalist politics, it is time to see how decentralisation of responsebility has allowed for an active presence of politics in Bosnia's primary and secondary schools.

5.4   Fragmentation and politicisation

The Bosnian state has ratified a range of international agreements covering education – including the Covenant on Economic, Social and Cultural Rights (CESR), the Convention on the Rights of the Child (CRC) and the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR). Not only has Bosnia and Herzegovina ratified these treaties, they and several other human rights treaties are annexed to the Constitution itself, and the ECHR even applies directly as Bosnian law, with priority over regular laws.[44] Bosnia's international commitments do not only concern the state level, and should be followed at all

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[40] "The Constitution of the Federation of Bosnia and Herzegovina", art. 4 (b)
[41] "The Constitution of the Federation of Bosnia and Herzegovina", section I art. 2
[42] "The Constitution of the Federation of Bosnia and Herzegovina", art. V 2 (2) and 12 (1)
[43] "The Constitution of the Federation of Bosnia and Herzegovina", section V art. 3
[44] "The Constitution of Bosnia and Herzegovina", art. II 2

levels. The four dimensions of the fundamental human right to education include availability, accessibility, acceptability and adaptability; the so-called A4 Scheme has been incorporated in local education regulations through the Framework Law, which is why "[t]he principles and standards established under the Framework Law cannot be diminished" (UNICEF 2009, 41). In their analysis of local education laws, UNICEF (2009) finds that the laws of the entities, the cantons and Brčko are harmonised with the provisions in the Framework Law. Art. 1 affirms that the law provides principles of primary and secondary schooling that are country-wide, with rules for the establishing and functioning of all education-providing institutions in the country. The fact that it has not been followed is conceded by the state of Bosnia and Herzegovina, which writes in its latest report to the UN Human Rights Committee (BiH 2016, para. 28):

> The laws at all levels of government and all levels of education guarantee every child equal access to and equal opportunity to participate in appropriate education and enjoyment of equal treatment without discrimination on any grounds and none of the laws contains discriminatory provisions. Therefore, the issue are not the laws, but the fact that mechanisms to guarantee the full implementation of the legal provisions have not been established yet, i.e. they simply do not exist, and the growing phenomenon of discrimination, segregation, assimilation and politicization of education in BiH.

The Open Society Fund, who were the strategic litigators in the "2in1" lawsuit, were asked to comment on the quality of existing educational legislation: "We have the *perfect* legal system on the ground, but no one implements that. They are misusing their authorities on the cantonal level, on the entity level, talking about these: 'It's our direct, it's our direct […] jurisdiction.'"[45] The Open Society Fund was also asked to compare the cantons in FBiH with the centralised system in Republika Srpska, and highlighted the similarities: "It's also centralised. It's over-centralised, actually. It's not decentralised at all: it's just fragmented between twelve administrative units, which are highly centralised." Decentralisation, meaning the delegation of executive and administrative powers to local levels of government (Wolff 2013, 29), character-rises none of the twelve educational systems in Bosnia. The Yugoslavian legacy of bureaucratic centralism has been continued on a local level, but the concept of subsidiarity has not been implemented, meaning that those directly involved in education (including school personnel, parents and teachers) are not included by the authorities (M. Fischer 2007, 300–301; Komatsu 2013). Hence, Adila Pašalić-Kreso and other education experts prefer the term *fragmentation* instead of decentralisation: FBiH is fragmented *between* the cantons, but *inside* the cantons they are very much centralised. The two largest cantons have nearly 500,000 inhabitants, while four

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[45] Mirascija, Mervan and Dzenana Trbić. *Interview*. Open Society Fund BiH. Sarajevo, 11.1.2016: offices.

of them have less than 100,000 (FZS 2013). "So cantons are small," Pašalić-Kreso explained, "everybody knows everybody, let's say, knows everybody and there is not a lot of teacher's initiative because they depend on political party, ruling political party in that moment."[46]

In *legal* terms, school autonomy is guaranteed in the Framework Law, which states that "[a]ctivities of political parties and their progenies are forbidden in the school".[47] The head of the political division at the European Union in Sarajevo (EUSR) was asked to comment on the extent of politicisation of education, and was genuinely puzzled by this question. Marsaili Fraser stressed that the question of education had to be put into the broader context of Bosnian politics: "So there's a very clear patronage system in place, whereby political loyalty is dished out, sorry … It's a classic political patronage system, whereby jobs are given for loyalty and for votes. So yes, and that's very strong, and that reinforces the ethnic element, because, you know, parties dole out favours and positions, largely on an ethnic basis."[48] The phenomenon of giving jobs extends to the whole public sector, including education: "[S]o yes, there's an absolutely *clear* link there at all levels of public administration, and that of course extends to the education system as well." Fraser pointed to the case of a school board dispute in Prozor-Rama, as a perfect example of the influence of the political parties on schooling. This dispute was not between the directors in the Bosniak and the Croat primary school, which are organised as a "2in1", but between two Croat parties who fought for control over the Croat school.

The school board dispute was explained during an interview with a senior member of the international community, who had held meetings with all the significant actors, and whom Marsaili Fraser had pointed me towards. This informant used the situation to illustrate the involvement of the political parties, which is visible in all subsystems of the country. He joked that the politicians perhaps suspected there was gold buried in the schoolyard, because there were no obvious perks to having the school director. Nevertheless, for more than four years they were unable to form a school board, which gets to appoint the new director. HDZ wanted to keep the director, while the mayor's party, HDZ 1990, wanted to oust the director and replace him with one of their own. HDZ 1990 holds a plurality in the municipal council in Prozor-Rama (eight seats, two more than HDZ), while HDZ has the director at the Croat school. The students' learning certificates, necessary to progress to the next grade, were jeopardised since there were no one to sign them, and a vacant position as a math teacher could not be filled, since there

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[46] Pašalić-Kreso, Adila. *Interview*. 8.1.2016, Sarajevo: University of Sarajevo, Faculty of Philosophy.
[47] "The Framework Law on Primary and Secondary Education in Bosnia and Herzegovina", VII art. 40.
[48] Fraser, Marsaili. *Interview*. European Union's Special Representation. 8.1.2016, Sarajevo: Europa Building.

were no one to publish the vacancy, or to employ his replacement. The municipal council appointed its own members to sit on the school board for a period of two months, to solve those issues, even though local laws prescribed that people from the municipality could not sit on the school board, and that all members had to be elected for four years. Legal personnel from the international community, pedagogical institutes and the ministry of education in Herzegovina-Neretva assessed the situation, but were unable to act, despite the municipal council acting in breach of local laws. The cantonal education minister was a Bosniak from SDA and sat in a government coalition with Croat parties. His only option, to close down the school, was not a realistic possibility since the democratically elected municipal council was Croat-dominated. Any intervention from the minister would have been perceived as if "the Bosniaks were closing down Croat schools", and meant that irresponsible behaviour by local rivalling politicians was unopposed for a long period of time. This kind of influence on schooling is not unusual.[49][50]

5.4.1 Political involvement in school management

Steinar Bryn has been involved in dialogue work throughout the Western Balkans and worked on segregated schools in Bosnia since the end the war. In dialogue seminars with participants from divided communities, teachers and parents have been asked why this educational system prevails when their lists of disadvantages outweigh the advantages. Their answers tended to be: "That's the way it is."[51] Simple tasks where the participants were asked to rank those in charge of education, from a pool of actors, indicated that responsibility was being pushed upwards in the system: students, parents, teachers, directors, school boards, municipalities, cantonal education ministries, federal ministry of education, and, finally, politics at the state level. Similar conclusions were reached in UNICEF's report *Divided Schools in Bosnia and Herzegovina*, where the robustness of the method used in the dialogue seminars was greatly enhanced. In-depth interviews were conducted with students, parents, school directors, municipality officials, cantonal education advisors, political leaders and religious leaders ($N = 72$). Focus groups were held with parents, students and teachers ($N = 27$). Questionnaires were used to collect qualitative data from students attending 8th or 9th grade, their parents and their teachers ($N = 677$). Six communities from across BiH partook in the study, and selections were based on the "2in1s practice, busing of children past the nearest school, returnee population areas where the national group of subjects was taught by a teacher of a different ethnicity, in areas

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[49] International organisation. *Interview on condition of anonymity*. Mostar, 13.1.2016.
[50] Elvir Djuliman at NDC Mostar, who has been working on the school in Prozor-Rama, has confirmed that the director in the Croat school is once again chosen from HDZ. *E-mail to author.* 7.4.2016.
[51] Bryn, Steinar. *E-mail to author*. Nansen Center for Peace and Dialogue. 5.11.2015.

with multi-ethnic schools and in areas with mono-ethnic schools. This depth and width makes it the most comprehensive study produced on the influence of politics on schooling in Bosnia.

The overall question regarding politicisation in UNICEF's study was to answer the question "Has politics been actively present in schools?" (2009, 201–202). Parents and teachers were to assign a number from 1 to 5 in response to several statements and agreed with the statement that "The current (divided) education system in BiH suits politicians" (4.00 and 3.83), more than it suited schools, or students and parents. Parents answered more positively than teachers on the question whether teachers could have a significant influence on the state of education in Bosnia (3.73 as opposed to 3.09). Teachers thought parent councils were more important than student councils, while parents thought the councils were more alike in influence. Teachers and parents agreed that politicians have the largest influence on curricula content (3.72. and 3.71), and that school management was under the influence of political authority (3.34 and 3.69). The findings were matched by uniform responses from all seven informant categories, in interviews and focus groups, who said that politicians exert the highest influence on the education system: "These categories see politics as the greatest culprit for the current divisions within the education system, but they also see politics as undoubtedly the most powerful and influential subject in the area of introducing change and integrating the education system (ibid., 18)."

In their conclusion, the authors of the report use strong wording to characterise perceptions on the status quo in education: "The situation is near to absurd when parents, teachers, religious representatives, school representatives, and education and political authorities claim that they have no possibility to influence matters (UNICEF 2009, 235)." Importantly, the perception the informants had of not being able to produce the necessary changes in education were "inversely proportionate to their perception of the strength and power that politics has in this field" (ibid., 19). The main conclusion drawn was that the "2in1s" and other divisions in education had been imposed by the current political authorities, and that these divisions largely suited them (ibid.).

5.4.2 Realism about politics and the prospects of change

The analysis so far has shown that there are few political and institutional incentives for serious change in educational policy – a fact partially due to the societal divisions that continue to define the Bosnian society. The constructivist approach applied to my exploration of ethnic conflict and education in post-war Bosnia strives for *realism* about the current situation, and about the prospects for bringing about change (Dixon 2012, 112). One of my civil society

informants complained that "there are a lot of lost in space-people" in the international community, who "have no clue where they have come, what are problems of BiH", arriving with a set of universal conflict prescriptions to be imposed on Bosnia.[52] As a citizen of that country, she explained that it was difficult to see the lack of self-consciousness, and a sense of self-righteousness, on the part of these foreign experts. It is important to address such local critique, to rebut any suspicion that I downplay societal divisions and caricaturise educational decision-makers, and thereby adopt a shallow transformational perspective on ethnic divisions and the prospects of change (Dixon 2012). The NGO directors I met with at Schüler Helfen Leben (SHL), Local Democracy Agency, and the Nansen Dialogue Centres in Mostar and Sarajevo, all spoke in accordance with the finding that "the capacity of civil society to realize radical transformation is contingent upon more fundamental institutional and political change" (Fagan 2005, 407). The SHL director found that making initiatives was difficult because of societal divisions, and because civil society organisations were not influential, decision-making agents:

> I totally understand that they don't have interest to change the situation. And to change something in BiH… we are so deeply segregated, divided, in every level what you can imagine. It's very hard to come now with new things, with some solutions. It's not impossible, everything is possible, but they [politicians] have to agree on such a – such a question that they don't like.

Schüler Helfen Leben work at the fringes, by arranging mixed seminars and helping students form student councils in secondary schools. Bećirović said that from a nationalist's perspective, divisions in schools was the rational option compared to a sharing of votes, yet stopped short of shallow instrumentalism, and made sure to underscore the reality of ethnic divisions. Co-operative behaviour can produce trust, friendly attitudes and a sensitivity to common values and beliefs, instead of suspicious and hostile attitudes – which would mean a reduction of ethnic division and conflict levels (Mitchell 1981, 54). Bećirović used the picture of a shepherd and a flock of sheep, and said that a nationalist politician and secondary school director was unlikely to support a change in educational policy that challenged the narrow platform his party is built upon, and divide his treasured herd in half. Typically, "ethnic parties have an extremely low level of ideological or programmatic commitment and coherence," write Gunther and Diamond in their typology of political parties, and "mobilize powerfully emotive symbolic issues of identity and even cultural survival" (2003, 184). While most unfortunate in a conflict perspective, explanations of this kind are not shallow, but both rational and realistic, as the UNICEF study convincingly showed. When social change is understood as the "nonfulfillment of expectations" and as an "out-of-equilibrium phenomenon" (Elster 1989, 160), we see that the

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[52] Bećirović, Aida. *Interview*. Schüler Helfen Leben. Sarajevo, 8.1.2016: SHL offices.

quote by the SHL director bites itself in the tail: the fragmented and politicised governance system in education is supported by societal divisions. The question of educational reform is not appreciated by decision-makers because it would require intentional, sustained, hard labour to short-cut an equilibrium they are likely to be comfortable with: the positive face of education could potentially counter-weight division in society, while the negative face can be a contributing factor to perpetuated conflict between ethnic groups (Bush and Saltarelli 2000). I will now go on to analyse educational protectionism, which involves a focus on strengthening intra-group cohesion that brings with it several negative consequences for inter-group relations.

5.5 Language and educational protectionism

Constitutional recognition of three separate but similar languages, Bosnian, Croatian, and Serbian, in combination with the GFAP's recognition of international human rights – among them mother tongue instruction – have been used strategically to provide legal protection for the continuation of separate education systems based on ethnicity (Magill 2010, 13). The results from a natural experiment, from a public school in the capital of Bosnia, was presented by Ljuljjeta Goranci Brkić to support her argument that: "Education is taken, has been taken, as tool by politicians to divide *already* divided citizens of BiH."[53] Besides working as senior advisor at the Nansen Dialogue Network, she is the mother of two children. Her youngest child was transferred from the Catholic School Centre "St Joseph" in Sarajevo to a public school before starting in the 6th grade, where the students studied the Bosnian, Serbian, and Croatian languages together in class. The report card that her child received after finishing 6th grade, stated that his mother-tongue was Croatian, because of his surname and because he had recently transferred from a Catholic school. The cards of the other 6th graders, who had sat in the *same* classes, having the *same* language lessons, stated that their mother-tongue was Bosnian. Ergo, the *public primary school* had decided that child's ethnicity, without hearing him or his parents.

The prominent use of the Constitution to support exclusivist schooling is especially interesting since it is legally unfounded. In four famous partial decisions from 2000, (Case No. U 5/98), the Constitutional Court of Bosnia was to decide on whether the entities had fulfilled their obligation to amend their own constitutions, to ensure conformity with the Dayton Constitution (art. XII 2). A necessary step was to clarify whether the notion of "constituent peoples," found in line 10 of the preamble, carried normative content. The Court answered this question affirma-

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[53] Brkić, Ljuljjeta Goranci. *Interview*. Nansen Dialogue Centre. Sarajevo, 5.1.2016: NDC offices.

tively, and derived three general principles from the preamble and constitutional provisions on organisation of the state: (1) the principle of multi-ethnicity, (2) the principle of collective equality of constituent peoples, and (3) the rule on prohibition of *de jure*, *de facto* and upholding the effect of previous *de jure* discrimination. The principle of collective equality prohibits discrimination against or special privileges for any of the three constituent peoples. This principle was applied when the Croat caucus in the House of Peoples claimed that a draft law on higher education was destructive to their "vital national interest" because it did not allow for the creation of a university in Mostar, where the Croatian language was used exclusively (Case No. U 8/04). The Constitutional Court reversed that argument and ruled that the principle of collective equality rather implied the *equal* use of the three official languages, not protection against exposure to the languages of the other constituent peoples; the Court clearly addressed and denounced exclusivist schooling (Ademović and Steiner 2010, 75–83; Perry 2013, 237).

The recognition and strengthening of the constituent peoples in Bosnia has been coupled with a particularistic reading of the international human rights that award minorities the right to mother-tongue education, which is codified in various treaties and emphasised with the 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities'. Protection of separate linguistic communities is one of several manifestations of educational protectionism. Safia Swimelar's piece on 'The Nexus of Societal Security, Identity and Nationalism' uses the lens of a societal security dilemma, where actions rational for one individual, or for one group, to increase its own level of security, simultaneously have adverse consequences for the security of other individuals or groups, who are subsequently spurred to act in a similar, defensive fashion (2013). She argues that such a dilemma is "more likely when linguistic rights promote linguistic division and this is paired with segregated education and a mono-ethnic curriculum" (ibid., 168). In the coming sections, both of those themes will be covered, as manifestations of educational protectionism; but first, a visit to Mostar in the canton of Herzegovina-Neretva, will provide important insights into the nature of societal divisions.

5.5.1   Schooling in the divided city of Mostar

Mostar is emblematic of Bosnia's post-war problems, with institutional inefficiency, political grid-lock and divided schools, and useful to contextualise the sensitive issue of education. Within the confines of a city, the neighbourhoods of Mostar experienced "ethnic cleansing" similar to that found throughout the country in the early 1990s. The city is still divided between Bosniaks on the East side and Croats on the West side of the Bulevar Narodne Revolucije, the

four-lane road that formed the frontline during the inter-ethnic battles that took place in 1994 and 1995 (Grodach 2002). This physical division is mirrored completely in the city's 24 primary (7935 students), and its 22 secondary schools (5509 students) (FZS 2015; FZS 2016). The Traffic and Engineering High-Schools are formally organised as "two schools under one roof", and the Gymnasium (Stara Gymnasija) has a nominally integrated administration. Otherwise, all functions are duplicated, from pre-primary to secondary education; there are two universities and two pedagogical institutes. Attitudes towards the nature of this division, whether it is desirable or unfortunate, depend on the eyes of the beholder, but the description itself, that division is complete, is uncontroversial, which can be seen by the accounts from the leaders of HDZ, the main Croat party in Mostar, and of Local Democracy Agency (LDA), an NGO based there.

The leader of HDZ was asked how and why schooling in Mostar had become completely divided between Bosnian speaking and Croatian speaking students, and readily answered: "Eh, have you read the Constitution of Bosnia and Herzegovina?"[54] This answer was then followed by an explanation, that the constituent people have certain constitutional rights: "Croats, Serbs and Musl– Eh, Bosniaks. Muslims, sometimes they are– it depends, but in Constitution these three nationalities and peoples, and you have three languages. And you have two letters – is Cyrillic and Latin. So it's a constitutional provision and educational system is on cantonal level." He went on to say that "parents and children are choosing on which, let's say, language and educational plan they want to educate themselves or their children. So it's fully constitutional provision and constitutional option. You can choose whatever you like. There is no division in that sense, nobody is dividing on […] – in front of the school. But you choose what you like."

The director of LDA accentuated the importance of politics and described the educational system in Mostar as "actually incubator of the voters".[55] She described that: "We have East and West side, we have schools for small Bosniaks and schools for small Croats. And the programmes are different: the language, history, religious education – and this is actually the way, how our politicians raise the generations and generations of so-called clear nations, that will vote for them in the future." The LDA leader also began her description of education with the Constitution, but instead of group rights, she focused on the "ethnical cleaning" of Bosnia and the fragmented organisation of the state, as a result of a peace agreement back in 1995, into entities, cantons, and municipalities. She emphasised art. XII of the Dayton Peace Accords, and referred to the Annex 6 on human rights, and Annex 7, on the right for refugees to return.

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[54] Dzeba, Damir. *Interview*. Mostar, 15.1.2016. HDZ Mostar, party leader.
[55] Dedić, Dzenana. *Interview*. Mostar, 19.1.2016. LDA Mostar, director.

Both of these accounts have blind spots. The first account misrepresents what the Constitution says on language – which is not much. Copies of the official, English Dayton Peace Accords, were printed and signed in three languages, Bosnian, Serbian, and Croatian, but language rights are not explicitly covered by the Constitution. That first account also ignored the constitutional obligations that all cantons – as part of the Bosnian state – need to follow. Although the party leader's account is factually imprecise, it might in fact be the most common. Claude Kieffer, a former director of the OSCE Department of Education, has suggested: "The reality on the ground remains, however, that most people believe, according to the Bosnia and Herzegovina constitution, that each constituent people has an inalienable right to have its children taught exclusively in their mother tongue upon the basis of a curriculum of their parents' choice (Alić 2008)." The leader of HDZ correctly pointed out that parents could potentially protest against the separated education system, but that this had not happened: "Parents have a full and free right, will and right to choose where they want to educate their children. I don't think we should interfere in that. And there is no parents who organise themselves to fought [sic!] against it."

The instrumentalist account provided by LDA, emphasising politicians' intentions, invites arguments reminiscent of the Marxist concept of false consciousness, which is often applied to debates on ethnicity in Bosnia – resulting in the view that "the parties in power are not genuine representatives of citizens, but some form of parasitical class" (Bieber 2015, 217). Cautions of this kind are much needed, but so is yet another reminder of the topics covered in chapter 2, on the social aspects of ethno-nationalist politics. It is against the backdrop described by Kurtović (2011) that Adila Pašalić-Kreso writes: "[I]t is entirely possible that many parents and members of the general public are unhappy with the fact that children are attending schools where they are segregated according to nationality, yet do not have the power to influence institutions that are unwilling to adopt a different approach (2008, 369)." Experience from Mostar suggests that progress, here defined as school unification, will have to be an incremental, continuing process.

5.5.2 Administrative unification of the Gymnasium in Mostar

The stunning Gymnasium, pictured on the next page, was founded by the Austro-Hungarians in 1893, and was literally situated on the Bulevar frontline. Like most school buildings in the city, the Gymnasium had to be evacuated during the war, and personnel were soon drawn from only one ethnic group (Owen-Jackson 2008, 195–205). It was one of the most academically prestigious schools in Bosnia before the war, and became a priority for the international community, in a bid to revive the city centre post war, and to provide a model for administrative

unification of schools (Ashton 2007). The Croatian curriculum returned around year 2000 and announced legal ownership over the school; the returning Croat students were lectured in shifts, in four bombed-out classrooms on the ground floor. The Bosnian curriculum had also moved to a sub-optimal learning setting in a nearby primary school, but was only allowed return after the international community had funded and lobbied for the unification of the two secondary schools, which was achieved in 2004. Valentina Mindoljević taught the Croatian curriculum before the unification, and now works as headmistress of the United World College (UWC), an international school that follows the International Baccalaureate (IB) curriculum and has been located on the third floor of the Gymnasium since 2006. Her verdict of the unification was that "it all went pretty smooth", but that "there were strange situations", and gave an example from a chick-fight between two students from different curricula. The situation was mundane, but could easily be misused: "If somebody finds out, it will blow out as an interethnic conflict, which it's not, it's a conflict over a boy [laughs], you know. So there were too many eyes and you had to watch every step, you know, in order people don't see things as a problem."[56]

Figure 6. The administratively unified Gymnasium in Mostar

The UWC headmistress referred to the unified Gymnasium as the only positive example of how the "2in1s" had been dealt with in Bosnia. First and third graders go in the morning, second and fourth graders in the afternoon, meaning that the students are being exposed to one another on

[56] Mindoljević, Valentina. *Interview*. Mostar, 14.1.2016. The United World College, headmistress.

a daily basis. The administration is unified, but teaching is separate in all subjects, and teachers do not teach both curricula. The current director oversees both the Bosnian and Croatian curricula, while the current deputy oversees the Bosnian curriculum; their positions are switched every four years. But the level of trust between the two curricula was so low that an interview with a Norwegian master student had to be rescinded because I might receive an unbalanced, and communicate, an unbalanced view. I was informed via e-mail that since the director had not been present, I had only received *one* opinion on the Gymnasium, and it was strongly indicated that someone at the school had reacted negatively to the interview – which was unbalanced *per definition*. This outcome was a bit of surprise because of the Gymnasium's reputation for being the one success story of the international community in dealing with the "2in1s", but it did offer a clue to why most – if not all – of my informants thought that real integration of schools was unlikely in the divided societies where segregation is present.

5.6 Curriculum: substance of schooling

Curriculum development is essentially about what is taught in school, which is crucial in its own right, but also offers an entry point to the difficulties in co-ordinating education policy in a fragmented governance system. I first present the main state-level body, before I provide a conceptual and empirical explanation of what the curricula actually cover. Claire Magill notes, in her study on education and fragility in Bosnia, that "[t]he common core curriculum was expressly intended to ensure the development of 'positive relations and a feeling of commitment to the State of BiH'. Despite this aim, the main curricula currently in use in BiH have a strong ethnic slant (2010, 14)." Attempts at defining a 'common core curriculum' to be applied across Bosnia have not been successful, and the various curricula in Bosnia differ most in mother tongue, literature, nature and science, history, geography and religion, collectively called the *national group of subjects*, which are also recognised as the state's most important vehicle for imparting socially and politically 'desired' values in the young (Baranovicé 2001, 16).

The Ministry of Civil Affairs (MoCA) is one of nine ministries under the Council of Ministers, whose role in the field of education is coordinating activities, harmonising plans of the entity authorities and defining a strategy at the international level.[57] The Department of Education, under MoCA, is thus given the task of ensuring that the state of Bosnia honours its international commitments in education, as outlined in the Framework Law, but this Department does not

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[57] "Law on Ministries and Other Bodies of Administration of Bosnia and Herzegovina", art. 15.

have any substantial saying in content or how schools should be run. "This division creates a paradoxical situation in which the Ministry of Civil Affairs is required to carry out its legal obligations in the field of education, but it does not have authority vis-à-vis the cantons (Swimelar 2013, 163)." MoCA chairs the Conference of Education Ministers, who meets infrequently and has not been an effective organ for improving curriculum (Perry 2015, 13).

To describe the peculiarities of schooling and curriculum in Bosnia, one informant used an anecdote about a Finnish diplomat who was working in the country, and who questioned the notion that having "two schools under one roof" was problematic, since Finland had experienced no problems with its Swedish schools. To this Valery Perry had replied: "Well, I am pretty certain that the Swedish schools in Finland are not teaching that Finland has always been an evil oppressor and that one day the Swedes will have their own sovereign state."[58] She stressed that "[t]he political context in BiH – and in particular the fact that there was a war in the last 25 years – cannot be ignored or brushed away through facile examples of what works 'well' in European countries that have been at peace since World War II." As opposed to the Finnish Ministry of Education and Culture, MoCA does not have authority to ensure oversight and cohesion in schooling across Bosnia. "So far, practice has shown that these administrative units have unbelievably different, even diametrically opposed, concepts of education and that each conducts its own 'policy' (Pašalić-Kreso 2008, 362)." This lack of cohesion is visible in curriculum development, and in the plethora of curricula taught in schools across Bosnia.

5.6.1 Explaining the concept of curriculum

"Curriculum refers to the means and materials with which students will interact for the purpose of achieving identified learning outcomes (Ebert II, Ebert, and Bentley 2011, 102)." Most educational settings essentially include four types of curricula which directly affect the students. The *explicit* curriculum includes the subjects that are taught, the official mission of the school, and the knowledge and outcomes the school wants its students to reach (ibid., 104). The three official Bosnian languages do not have a proper translation for the English curriculum. Bosnian plans and programmes ('plan i program') resemble syllabi in style, and contain detailed lists of facts and other information to be learned and memorised: "Curriculum development and curriculum policy in BiH focuses almost entirely at the level of subject 'syllabuses' (listing of content units) with little or no connecting framework of objectives, learning outcomes, guiding principles for neither discrete subjects, nor for the whole 'curriculum systems' (Stabback 2008,

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451)." Discussions on curriculum development are important also for the topics not covered: The *null* curriculum includes the "topics or perspectives that are specifically excluded from the curriculum" (Ebert et al 2011, 206). The national group of subjects are taught separately, without hearing the perspective of the other constituent peoples – lest a student is a minority in school and has to assimilate and follow the curriculum of the majority in the municipality.

The *implicit* curriculum refers to "lesson[s] that arise from the culture of the school and the behaviors, attitudes, and expectations that characterize that culture" (Ebert et. al. 2011, 204). The boundary between formal and non-formal school programmes are particularly permeable in the area of ethnic socialisation (Bush and Saltarelli 2000, 3). Physical segregation based on ethnicity sends a powerful message that the differences separating Croat and Bosniak students, for instance, are more important than these students' common interest in tolerant and equitable quality education. The *extra* curricula are "school-sponsored programs that are intended to supplement the academic aspect of the school experience" (Ebert et al 2011, 204). The international community and civil society organisations arrange extra-curricular activities to counterbalance the ethnic divisions in Bosnian schools. One example is the Nansen Dialogue Centre in Mostar, who have refurbished a classroom in the "two schools under one roof" in Prozor-Rama, with financial support from the Norwegian Ministry of Foreign Affairs. The new classroom is used for extra-curricular lessons, where students from both schools are taught together (Norwegian Embassy 2015). Such activities are voluntary, participation does not affect grades, and reach a much smaller crowd than the explicit curricula taught in regular classes.

5.6.2 Mono-perspectivity in teaching and learning

"Curriculum in the post-war years remained old fashioned, while curriculum development processes and curriculum policy remained highly centralized and politically controlled", a former director of the OSCE Education Department concludes (Stabback 2008, 451)." The 'plans and programmes' in Bosnia are a continuation of the centralised, fact-oriented legacy from education in Yugoslavia, which favoured rote-learning over analysis and critical thinking, and has prolonged a didactic tradition of mono-perspectivity. Post-war societies are seldom ready to let youths engage in "highly controversial and emotionally charged" discussions in school, but dissemination of knowledge and discussions about guilt are often taken via truth commissions, trials and commemorative ceremonies rooted in common local traditions, arranged by the state (Pingel 2009, 299). Falk Pingel, who in 2003 helped establish the OSCE Education Department, points out that school content matter because the alternative approaches

are non-existent in Bosnia, and cultural life and media are directed towards separate, ethnically defined populations (2009, 299; Franović 2008). The ICTY verdict that in March 2016 found Radovan Karadzić guilty of 10 war crimes, including the July 1995 genocide in Srebrenica and the three-year-long siege of Sarajevo, was predictably followed by mutually exclusive accounts in ethnically dominated media (Toe 2016b). The tribunal's legitimacy was conveniently brushed aside by the president of Republika Srpska, who spoke of "selective justice". Just days before the decision – in a "strongly symbolic" moment – Milorad Dodik named a student dorm in Pale after Karadzić, where the war-time Serb leader had his headquarters (Sito-Sucić 2016).

In a review of textbooks revisions, Falk Pingel, the scholar and former director of the OSCE Education Department, observes: "Pupils generally appear to adhere to the notion of a single truth, 'their' truth, and are therefore not open to integrative teaching because they are afraid that this creates the risk that only the other side's truth will be taught; they have no spontaneous notion of comparison (2009, 286)." This approach is often contrasted with the concept of multi-perspectivity in teaching – especially in history – which is not really "a form of truth, but a method designed to provide insights into processes by which judgements are reached" (ibid.). According to this method, students are to identify common ground and different criteria of judgement, and subject their own interpretation to the judgement of the other (ibid.), and was embraced in the guidelines for developing the new history textbooks.[59] The first of these textbooks were developed before the 2007–2008 school year, but the scope of their actual use in schools, and the absence of modern curricula and teaching methods, mean that such improvements are insufficient to end divisive practices in schooling (Perry 2013, 235–236).

5.6.3 Common core curriculum development

Confusion around the concept 'common core curriculum' is profound, which became obvious during an interview with the Assistant Minister for Preschool, Elementary and Secondary Education at the Federal Ministry of Education and Science, who employed an entirely different meaning of the concept than the Agency for Pre-Primary, Primary and Secondary Education (APOSO) had presented at length in an interview the day before. I will use this confusion to illustrate the complexity of the educational governance system and difficulties in co-ordinating basic policies, as well as the limitations of the coordination mechanisms, which also includes MoCA and the Council of Education Ministers, and the FBiH assistant minister's own ministry.

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[59] "Guidelines for writing and evaluation of history textbooks for primary and secondary schools in BiH", published in the *Official Gazette of Bosnia and Herzegovina*, No. 05/07.

According to art. 42 of the Framework Law, "[t]here shall be a common core curriculum for all public and private schools in Bosnia and Herzegovina," but this provision is prescriptive and describes a national ambition that is yet to be achieved. A piecemeal procedure is presented in art. 43, which prescribes that "[t]he common core curriculum consists of the curricula and syllabi of all subjects of primary and general secondary education of BiH that have as broad an agreed common core as possible". OSCE oversaw a process back in 2003, that identified and conceptualised common elements in *existing* curricula, in a range of subjects, as a common core curriculum, but that did little to improve curriculum quality. The commonalities are found in the non-controversial subjects, such as maths, biology, and physics (Stabback 2008, 465).

The day after my interview with APOSO, the FBiH assistant minister was asked about the common core curriculum. He said that: "Teaching plan and programme consist of general part, which is called common core, general part, by 70 per cent. And there is 30 per cent by local component, that local component includes specifics from the place where people live." He went on to describe that differences would vary due to geography: "It can be cultural items, cultural things, and any other activities, and specification related to the place where they live."[60] Rather than referring to the state-wide Framework Law, the assistant minister referred to the curriculum done by his own ministry. He stated that "[m]any subjects in quantity and in quality are not harmonised with these two curricula", and compared the Bosnian and the Croatian curricula applied in FBiH. Only when he was asked about APOSO, he answered: "Oh, you mean *that* core?" All educational ministries signed an agreement in 2000, where they agreed upon a 70 and 30 per cent allocation of the curriculum, and the policy goal of that agreement was "to unify the system by agreeing on a 'single core curriculum' which is ethnically neutral" (OECD 2003, 118). Such unification of *content* has not been implemented in Bosnia, or even been attempted, which was underlined by APOSO: "You know, there is a difference between 'common core curriculum' and 'common curriculum'. That's really a *huge* difference."[61]

APOSO is an agency on the state-level, whose only purpose is to define standards and learning *outcomes* at the state level, through developing a common core curriculum, so that all children in Bosnia, without regard to where in the country they attend school, end up with the same competence at the end of their education. The first thing APOSO did during our interview, was to ask: "How do you know the work of our agency? Because people are usually confused about

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[60] Strujo, Ismet. *Interview*. Federal Ministry of Education and Science. Mostar, 20.1.2016: ministry.
[61] Naletilić, Marija and Adrian Juka Novak. *Interview*. APOSO. Mostar, 19.1.2016: APOSO offices.

the things that we do." This first response is informative because the agency is only one actor in curriculum development, and their respective competencies are routinely mixed up. APOSO went on to say: "They usually think that we do things that we do not do normally, you know. So, we are building common core curriculum based on the outcomes. So, I don't know, does that mean anything to you, or?" The approach taken by APOSO differs substantially from the traditional plan and programmes approach, by focusing more on outcomes than on the content of the individual subjects, which is the sole responsibility of the various education ministries:

> And *that's* the thing that people do not understand here in Bosnia and Herzegovina. We are not trying to make 'common curriculum'. That doesn't exist, that shouldn't exist, that's something that *nobody* could create here in Bosnia and Herzegovina. And that's not our purpose, that's not our goal, and nobody's working on developing common curriculum. We are building 'common core curriculum' based on the learning outcomes […] We are not trying to build something that will, eh… [searching for words] that will make a *threat* to any nation, you know, you, the ministries will still have their autonomies, they will still be able to decide about their– [stops].

APOSO is a good illustration of what forms of cooperation are possible and necessary when education is the sole responsibility of the entities, because its limited tasks are often misunderstood. Its aim is to develop a competence standard that all Bosnian students should reach, while it is entirely up to the educational ministries to decide on content, such as training of teachers, organisation of schools, selection of textbooks and teaching methods, etc. The pedagogical institutes and the universities aid the educational ministries with these tasks. APOSO cannot order the educational ministries to consent to their published documents, "[b]ut because their experts were in our working groups, and they were giving us support in the entire process, it's expected from them to accept our documents",[62] which are accompanied by written guidelines and training of trainers, who can then train teachers in the entities. APOSO includes experts from all relevant bodies in their working groups, which create a draft document, that is followed by public discussions and even town-hall meetings. A draft document must then be approved by the agency's board – consisting of one "(Other)", two Bosniaks, two Croats and two Serbs – before getting published in the *Official Gazette*. APOSO may develop outcomes in cooperation with the ministries and aid them in implementing the common core curriculum.[63] It can monitor implementation but cannot instruct a minister to accept and to implement their documents, and must rely on lobbying, or wait for an election and try with the next minister. As of January 2016, only four cantons had implemented the documents developed by APOSO.[64]

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[62] Naletilić, Marija and Adrian Juka Novak. *Interview*. APOSO. Mostar, 19.1.2016: APOSO offices.
[63] "Law on Agency for Pre-School, Primary and Secondary Education", art. 4–6
[64] Naletilić, Marija and Adrian Juka Novak. *Interview*. APOSO. Mostar, 19.1.2016: APOSO offices

5.6.4   Bosnian, Serbian and Croatian curricula

As a newly appointed US ambassador, Maureen Cormack "created a small storm of controversy" with a blog post in January last year (2015b), where she addressed the need to build tolerance in diverse Bosnia: "To that end, I strongly believe that children should all go to school together and study a *common curriculum*, so they learn about each other while mastering the skills they all need to make viable contributions to the future of their country" (2015a, emphasis added). Post-war Bosnia caught the ambassador off-guard. Cormack presumed that universal educational objectives took precedence over divisive schooling, and did not expect disagreement with the reasonable goal "to further embrace tolerance and the rich diversity that is the very foundation of this country" (ibid.). Yet the educational ministry in Republika Srpska responded promptly in media, stating that education was "the sole responsibility of the entities", and that RS' laws guaranteed each child equal access to education without discrimination (Dzidić 2015). That statement manifests the contested nature of curriculum and educational competencies, and attempts to smooth over a gap between laws and discriminatory practices.

The three main curricula, the Bosnian, Serbian, and Croatian, differ most in the national group of subjects, in the identity-sensitive sphere of history, religion and language (Magill 2010, 37; Perry 2014; Pingel 2009). The Croat cantons of West-Herzegovina, Posavina and Canton 10 use a curriculum developed by the Croat pedagogical institute in Mostar, which is also applied in some parts of Herzegovina-Neretva and Central Bosnia. The Bosniak parts of those mixed cantons use a curriculum produced by the FBiH education ministry, which is also being applied in Una-Sana and Bosnia-Podrije. Sarajevo, Tuzla and Zenica-Doboj are mainly Bosniak and use a different, but similar, curriculum to that produced by the FBiH ministry. Republika Srpska develops its own curriculum. The District of Brčko, where the international community has had the greatest influence, also has its own, multi-ethnic curriculum (Clark 2010, 346–347). Safia Swimelar offers some concrete examples of why this geographical distribution of curricula is problematic for those in a minority: (a) Bosniak parents in RS fear that their children will not learn about the genocide in Srebrenica if they do not get to follow their own, Bosniak-dominated curriculum. (b) Sarajevo lies in FBiH, and is mostly Bosniak. Serbs send their children across the border to RS, to ensure they get to learn the Cyrillic script, and are not indoctrinated towards Islam. (c) The Croats are the smallest constituent people, and have used linguistic and cultural rights to counter-weight the feeling of being outnumbered, in BiH as a whole, and in FBiH as well (2013, 173–174). Ethnically slated curricula are one of several manifestations of educational protectionism in the country, which serve to compromise inter-group relations.

5.7 Manifestations of educational protectionism

The yellow paint on the Bosniak section of a primary school in Travnik is tarnished, while the part Croat section is sky blue, and has a towering, white Christian cross. A metal fence divides the schoolyard. "It's visually sexy," Valery Perry commented, "I mean, it is just an obvious one of apartheid, it's sexy."[65] She advised against a fixation on the "two schools under one roof" over the broader dangers of mono-ethnic schooling, ethnically flavoured curricula and the main–branch distinction. Marsaili Fraser was another of my informants who pointed out that while labels such as "segregation and even apartheid" is a "valid position to take", this often assume "that the other parts of the country have multi-ethnic schools, and actually they don't."[66] Educational protectionism is manifested in various forms throughout Bosnia, all of which can be explained by using the high-profile case of a parent boycott in a primary school in Konjevic-Polje, as an entry point. This village in Republika Srpska is situated in the municipality of Bratunac, close to Srebrenica, and has seen a substantial return of Bosniaks. In February 2013, Bosniak parents organised and filed complaints about a lack of water supply, but in September, mobilisation gained momentum and their children were withdrawn from school. The parents organised a four-month long protest and set up a tent city in front of the Office of the High-Representative's headquarters in Sarajevo, and gained national media coverage. Their boycott was sustained and widened in the 2014–2015 school year (Bianchi 2013; Kamber 2014).

The national group of subjects

The parents in Konjevic-Polje protested because the national group of subjects was not offered to Bosniak students in 1st to 5th grade, meaning that the Serbian curriculum was taught in the first five years. The position of the authorities in Republika Srpska was that they did not have the financial means to provide the Bosnian curriculum, and that the school was not obliged to, since the students in each grade were fewer than 18. The national group of subjects were defined in the *Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children*, from 2002, and gave returnee parents the right to choose a different curriculum for their child than that taught by the ethnic majority.[67] According to this agreement, students from an ethnic minority were to be spared from assimilation in certain sensitive subjects, taken out from their

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[65] Perry, Valery. *Interview.* Sarajevo, 10.1.2016: Linea M Kafé.
[66] Fraser, Marsaili. *Interview*. European Union's Special Representation. 8.1.2016, Sarajevo: Europa Building.
[67] The Entity Ministers of Education, in RS and FBiH, signed the "Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children". The accompanying "Implementation Plan" was signed by the ministers of the entities, and of all the ten cantons (see OSCE 2002b).

normal classes and taught separately within school premises, as long as there were 18 or more students in a grade choosing those subjects. On the plus side, this agreement intended to provide increased security for returnee parents, students and teachers, but on the negative side, it helped "sustain the fundamental cause of segregation by maintaining a system that shields politicization of education (national subjects)" (Božić 2006, 333). The agreement has been dubbed 'the Permanent Interim' (Perry 2014), but as its original name suggests, it was never intended as a long-term solution: it was only to remain valid until new legislation was adopted, non-offensive curricula and textbooks were produced, and respect for the human rights of returnee students, parents and teachers, had been established – which is not the case. Research on the municipalities that were partitioned by the Inter-Entity Boundary Line in 1995, shows that they are more ethnically homogeneous and provide more schooling, with more schools and more teachers. Cohort analysis shows that ethnic majorities in these municipalities are 3.6 per cent more likely to finish primary school compared to unpartitioned municipalities, but that this effect is *reversed* for minorities, who are worse off by 9.7 percentage points (Swee 2015).

Busing, mono-ethnic schools, and the main–branch distinction

The school in Konjevic-Polje was attended only by Bosniaks prior to the boycott, but is named after Serb author Petar Kočić, because it is technically a branch of an all-Serb main school in the nearby-village of Kravica. These schools share one director, one school board and most of the teachers, and is a common phenomenon in rural areas (Bianchi 2013). Bosniak students in 6th to 9th grade, *were* being offered the national group of subjects in the Bosnian language, since these grades had more than 18 students. This was not accidental but due to daily busing of older students from the neighbouring municipalities of Milići, Zvornik, and Vlasenica (ibid.). Parents choose schools according to ethnic background, not according to proximity, to ensure that their children are not in a numerical minority in school. UNICEF refer to this phenomenon as silent segregation, where "[t]he central schools and their affiliated branch units de facto become ethnically homogeneous schools attended by children of one (quite often returnee) group rather than children that geographically belong to that school's catchment area (2009, 24)".

Art. 12 in the Framework Law states that attendance at the nearest school is mandatory. The competent Ministry may only exempt a child from this requirement in "exceptional cases", if it is necessary to protect the rights of the child and is found to be in its best interest. The schools have a particular legal responsibility to ensure necessary conditions so that parent and children refugees can exercise their rights. Despite this rule, the norm is quite the opposite in Republika

Srpska. Valery Perry explained that it is often the case that the main schools are the best equipped, while branch (often rural) schools in contrast have less acceptable facilities. The fact that minority returnees (who are non-Serbs) are often living in these same rural areas shows the structural discrimination in practice. The main-branch distinction upholds ethnic divisions, but in separate locations. "So that is another manifestation of the failed 'separate-but-equal' approach personified by the more easily visualised 'two schools under two roofs'".[68]

Politicisation of language and the "two schools under one roof"

Figure 7. Report card from Republika Srpska (Source: Panic 2015).

In 2015, the Ministry of Education and Culture in Republika Srpska, for no obvious reason, suddenly instructed its primary schools to use the ethnically specific term Bosniak language ("Bošnjački jezik") when issuing report cards, despite having used the term Bosnian language in its own textbooks and report cards for years (Panic 2015). RS' authorities pointed to the Constitution of Republika Srpska, which states that the official languages are "the language of the Serb people, the language of the Bosniak people and the language of the Croat people"[69] (Dzidic 2015). Parents from the villages of Konjevic-Polje and Vrbanjci prolonged their boycott and were joined by other Bosniak families, in other schools, refusing to accept that the "Bosnian language" does in fact not *exist*, which is the voiced opinion of the president in RS, Milorad Dodik (Jukić 2013). The aim of the parents was to remain in the entity's official education system, but with the national subjects taught separately; integration was never the issue.

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[68] Perry, Valery. *Interview.* Sarajevo, 10.1.2016: Linea M Kafé.
[69] "The Constitution of Republika Srpska", art. 7.

Muhizin Omerovic, a father of two and the front-man in the long-lasting boycott, told the media in August 2015: "The issue is that our language is our own, the language is Bosnian, and someone cannot change that. If we agree, tomorrow they might tell us our religion is not Islam, that history has changed and Srebrenica did not suffer genocide. This is a denial of our identity and this is where they start, they are telling us in essence that we are Serbs (Dzidic 2015)."

The high-profile Konjevic-Polje case was brought up during an interview in Mostar, because it is similar to how the "2in1s" first were established in FBiH, around the year 2000, when private houses were used because the school buildings were run by chauvinist ethnic majorities in the municipalities in Herzegovina-Neretva, Central Bosnia, and Zenica-Doboj.[70] The co-location of those schools occurred when the international community pushed for co-locating of schools as an interim measure, which then became a permanent solution, lasting for over 15 years. Since the first boycotts in 2013, many Bosniak parents have been sending their children to be schooled in an improvised Islamic education centre in Nova Kasaba, where the children have been taught by teachers from the Sarajevo canton, outside of RS' official education system (Jukić 2014).

5.8   Missing out on the general objectives of education

After the final decision by the FBiH Supreme Court, the Public Attorney's Office of the Herzegovina-Neretva canton lodged an appeal to the Constitutional Court of Bosnia, to retain the "two schools under one roof". The director of the plaintiff, Vaša Prava, Emir Prcanovic, commented in September 2015: "It is an absurd situation since this institution should not support segregated and discriminatory education, but protect public interest (Pisker 2015)." The Municipal Court in Mostar offered ample evidence of attempts to avoid mixing of children, and one example is particularly telling when it comes to the priorities made in education: The school in Čapljina was formally established in 2005 but started to perform work in 2003. Here, Bosniak students were taught together in the lower grades, because of a small number of Bosniak students. Due to an alleged lack of space, the Bosniak students for two years were not allowed to use the main school building, and in 2005, they were moved to an old student dorm in another part of Čapljina. Croat students, on the other hand, were attending classes with 30 students, in the main school building, and each class had a surplus of students. Hence, Bosniak students from several grades shared one classroom in poor teaching conditions, with their teachers attending to several grades at the same time – while the attention of the Croat teachers was

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[70] International organisation. *Interview on condition of anonymity*. Mostar, 13.1.2016.

stretched between too many students. This outcome is obviously suboptimal, the judge noted: "If these children were to be merged, there would be no need for combined classes in the 3rd defendant, nor would the surplus of children pose any problems for normal teaching."

In the beginning of our interview, Open Society Fund was asked about the level of discrimination, and the quality of education in BiH: "Well, education system as such is discriminatory, we can say, in all parts of Bosnia." Several examples were offered, all of which are presented in this chapter, including segregation and assimilation in areas with an ethnic majority, with ethnically slated curricula taught without regards to the ethnic minorities. "So discrimination is omnipresent and it's deeply embedded in all structures; it's structural and it's in content and processes." The "two schools under one roof" are one manifestation of educational protectionism, and of the lack of progress in securing the basic goals of high-quality primary and secondary education (Cohen 2006). In the Bosnian context, such goals are operationalised in art. 3 of the Framework Law, from 2003. Before proceeding to the discussion, I now choose to cite all the general objectives from art. 3, *in toto*, because they capture perfectly the importance of education, but also what Bosnia and Herzegovina, thus far, has largely missed out on:

Box 1. The general objectives of education, as defined in art. 3 of the Framework Law

- Making knowledge available as a basis for understanding oneself, others and the world we live in;
- Ensuring optimum development for every person, including those with special needs, according to their age, possibilities, and mental and physical abilities;
- Promoting respect for human rights and fundamental liberties, and preparing each person for a life in a society which respects the principles of democracy and the rule of law;
- Developing awareness of commitment to the State of BiH, one's own cultural identity, language and tradition, in a way appropriate to the legacy of the civilization, learning about others and different by respecting the differences and cultivating mutual understanding and solidarity among all people, ethnic groups and communities in BiH and in the world;
- Ensuring equal possibilities for education and the possibility to choose in all levels of education, regardless of gender, race, nationality, social and cultural background and status, family status, religion, psycho-physical and other personal characteristics;
- Reaching high quality education for all citizens;
- Reaching standards of knowledge that can be compared to the international, i.e. European level, that is those that secure inclusion and continuation of education in European educational system;
- Urging lifelong learning;
- Promoting economic development;
- Participating in the process of European integration.

6 Discussion

6.1   Implications for the cultural autonomy prescription

"According to the perversity thesis," writes the economist Albert Hirschman, "any purposive action to improve some feature of the political, social, or economic order only serves to exacerbate the condition one wishes to remedy" (1991, 7). This was one of the tropes discussed in the introduction, with reference to the consociationalist Brendan O'Leary (2005, 7). Hirschman writes on reactionary rhetoric used by conservatives against progressives, in connection with the French Revolution and the *Declaration of the Rights of Man*, democratisation and the spread of universal suffrage, and the evolution of the welfare state. By comparison, my thesis sheds empirical light on a theory that is genuinely conservative in nature, and also deeply normative. Consociational theory development, as chapter 3 has shown, went through an epistemological shift (Bogaards 2000; Lustick 1997); it shifted from a focus on a few fragmented but stable Western European countries, to a set of prescriptions aimed at deeply divided societies, or what Paul Brass calls "an ideal model to be emulated and to be used to judge the extent to which plural societies have followed the prescriptions of the consociational engineers" (1991, 342).

In my thesis, I have followed Lijphart's categorisation of empirical consociations, (cases that exhibit the four consociational attributes), and explored how the consociational approach to cultural autonomy contributes to perpetuating ethnic conflict in post-war Bosnia. This was doable since I agreed with Brendan O'Leary's assessment that consociational political systems are consequential, which is to say that they are *not* futile. I operationalised my how-question and showed how a decentralised political system has produced various forms of exclusivist, educational protectionism in that country, manifested in ethnically slated curricula, assimilation in mono-ethnical schools, busing of children, segregation in main and branch schools, as well as in the "two schools under one roof". I built on Bush and Saltarelli's (2000) insights on how ethnic boundaries are being constructed in school, by imparting perceptions of "us" and "them" in the young, and showed that attempts to strengthen internal group cohesion has also brought with it an unhealthy emphasis on external differentiation. In post-war Bosnia, such differentiation is discriminatory, segregationist, assimilatory and politicised, the state concedes in its responses in the UN report cycles (for instance: BiH 2016, para. 28). The question of identity formation has been addressed by O'Leary under the heading 'The Consociational Rebuttal: Realism, Necessity and Accommodation', where he defends a "self-styled realism", and writes:

> [C]onsociationalists insist that durable identities – as opposed to shallow, malleable, and short-run identifications – can be, and often are, mobilized in a politics of antagonism, perhaps especially during the democratization of political systems. Politicians, parties, and communities interpret their histories and futures through powerful narratives, myths, and symbols, as well as through realistic rather than merely prejudiced appraisals of past group antagonisms. These narratives, myths, and symbols may have significant resonance and truth content. Without those traits, politicians might be less successful in their manipulative endeavours (2005, 8–9).

An estimated 26.4 per cent of Bosnia's population is either in, or have been, in school age since the outbreak of war in 1992 (Central Intelligence Agency 2016), and while ethnic identities may certainly be durable, they are also socially constructed during upbringing – not least through public schooling. Adila Pašalić-Kreso, comparative educationalist and vice-president in the Bosnian Academy of Science and Arts, is among those concerned over the long-term consequences: "Few have in mind the future that awaits the young people educated in this manner or the fact that they will need to live together in a diverse union of cultures and nationalities, something which may be a practical impossibility following such indoctrination during their time at school (2008, 365)." Bosnian politicians have given pledges to reform education (OSCE 2002a), joined the Council of Europe, reaffirmed the commitments stemming from international law, and while national and local laws have been passed, they are being not implemented. The comprehensive UNICEF report concluded: "The quantitative and qualitative data suggests that the so-called 'two-schools-under-one-roof' phenomenon and other divisions within the education system have been imposed by the current political authorities and that such a situation primarily suits the political structures (2009, 19)." The remarks by Pašalić-Kreso, as a representative from a field that studies the impact of education, definitely go in the direction that this type of system is *not* futile: "By maintaining the status quo, schools predispose young people towards segregation and engrain in them strongly discriminatory attitudes that lead them to believe that such intolerance represents socially acceptable behaviour (2008, 365)."

It is not obvious why the political system should be geared towards accommodating "a politics of antagonism", instead of attempting to counter "politicians' manipulative endeavours" – especially not in the sphere of education. Contrary to what O'Leary argues, the logic explained in his quote seems to strengthen the case for an 'insulation' of the educational governance system from the influence of political bias (Smith 2005, 379). Experience from Bosnia, as often pointed out in the analysis, shows that decentralisation of decision-making power to the major ethnic groups need not result in an insulation against political bias in the education sector. The decision by Republika Srpska not to provide the national group of subjects – a form of non-territorial cultural autonomy – illustrates how conflict is actually accentuated through the

educational system. Decentralisation of education to the entity level, to Republika Srpska – a territorial form of cultural autonomy that accommodates the needs of the Serb majority – spawned counter-reactions in the form of main–branch schools, busing and desertion from the official educational system. In this situation, there is no administrative body that is both competent *and* willing to uphold the constitutional principle of collective equality. It is worth emphasising that the counter-reactions are products of a system that is incapable of handling diversity.

Box 2. Implications of a recognition of equality (Horowitz 2002a, 22).

- To accord equal recognition to all cultures, religions, and languages is to concede equal ownership of the state, contrary to what groups are often willing to concede.
- To accord equal recognition is also to concede another core issue: the issue of group superiority, which is contested by reference to disputes over cultural superiority and primacy.
- To accord equal recognition is, finally, to concede the issue of the identity of who will get ahead, which otherwise would be regulated by limitations on languages on educational streams associated with competitors.

Realisation of cultural autonomy, Donald Horowitz argues, implies a recognition of equality, and is therefore better cast as a *product* of the reduction of inter-ethnic conflict, than as a conflict-regulating *prescription* at the threshold (2002a, 22). In the theory chapter, it was explained that consociationalism was more a theory about conflict resolution, than about the origins of conflict. Horowitz offers three reasons why cultural matters are central sources of conflict in ethnically divided societies, presented in box 2. The reasons are connected and made evident by the use of the politicised term *Bosniak* ("Bošnjački jezik") instead of *Bosnian* ("Bosanski"), by the educational authorities in RS, to name one of the languages used in Bosnia. The RS' authorities made a point of not recognising Bosnian as a language, making clear that this entity was not willing to concede equal ownership to its (largely Bosniak) returnee population. The dispute over language was a use of educational competencies to uphold cultural superiority, and privileged a Serb identity. The effects of decentralising decision-making are *endogenous* to the political game (Treisman 2007, 246), and the language dispute must be seen in light of the broader post-war context, with the dominance of ethno-nationalist politics in Bosnia, as presented in the analysis, but also the stateness problem and its continued relevance for the three political communities (chapter 1), and the social aspects of ethno-nationalist politics (chapter 2). The three assumptions presented by Horowitz cannot reasonably be

assumed in a deeply divided post-war society, which differ from the original consociational cases (Rothchild and Roeder 2005), and the language dispute should therefore not come as a surprise. The likelihood of such disputes emerging is also suggested in the quote by O'Leary.

The aim of Lijphart's essay on constitutional designs for divided societies was to have them avoid making ill-advised decisions. He makes the point that not all features of institutional design are context-dependent, and outlines what he calls a "'one size' power-sharing model that offers the best fit for most divided societies regardless of their individual circumstances and characteristics" (2004, 99). Chapter 3 noted that Lijphart's recommendations were unclear when it comes to the design of territorial and non-territorial autonomy. The notion that the major ethnic groups in deeply divided societies should accord equal recognition of one another, is not controversial; what is important is that it is not backed by a similar account of how such a recognition of equality will be *produced*. Experience from Bosnia suggests that recognition and strengthening of ethnic groups, coupled with decentralisation of decision-making authority in all internal affairs, is insufficient to produce a recognition of equality. The fragmented educational system in Bosnia is a *de facto* attempt to give the three constituent peoples full control over internal affairs, since most administrative units are associated with one particular people. In relatively homogeneous RS, we have seen how returnee minorities are worse off than Serbs. In diverse FBiH, the analysis has shown, ethnic heterogeneity in two of the ten cantons is dealt with through mandatory decentralisation to the municipalities. Two of those municipalities – Stolac and Čapljina, with 14.889 and 28.122 inhabitants, respectively (FZS 2013) – have been mentioned frequently in the thesis. These bastions of Croat hard-liners empower the Croats, who are in a minority in FBiH as a whole, but have overrun their own, Bosniak minorities, and is another product of a political system incapable of handling diversity.

The national group of subjects, where parents may choose a curriculum for their children, has some similarities with the 'personality principle' developed by Otto Bauer and Karl Renner, which was to allow citizens of the Austro-Hungarian Empire to declare which nationality they wished to belong to, and which Lijphart presents as a non-territorial "generalization of the federal idea" (1977, 43). The national group of subjects has its pros and cons, as noted in the analysis, and was intended to be an interim solution, as a step towards a more tolerant learning environment and a means to counter discrimination of returnees, who were allowed return via Annex 7 of the GFAP (Perry 2014). *External* parties, the Office of the High-Representative, were central in pushing this agreement, which was not passed into law, but was expected to be followed by appropriate legislation. The varying provision of the national group of subjects

shows that, for a personality principle to work, the authorities must not only be *competent*, but also *willing*, to fund equal education, as was the case in India, Belgium and the Netherlands, which are the cases presented in the essay on divided societies (Lijphart 2004, 105). However regrettably, ethnic conflict often involves questions not only of *how* the state should look like, but *if* there should be one state at all. Developments in Republika Srpska seems to lend some support to Brian Barry's assessment that negotiations on these questions is difficult because one or more ethnic groups may not want a solution within the existing framework (1975, 503).

Consociationalism correctly values the importance of education, but an emphasis on recognition and strengthening of ethnic group also have inter-group effects, which must also be tackled. Educational protectionism in Bosnia is associated with particularistic claims for group rights (Swimelar 2013), which is manifested in ethnically slated, mono-perspective curricula, and segregation based on minor linguistic differences. In such a context, the positive face of education in ethnic conflict is under-prioritised. Bush and Saltarelli name several virtues, including linguistic tolerance, nurturing and sustaining an ethnically tolerant climate, cultivation of inclusive conceptions of citizenship, and a desegregation of the mind (2000, 34). But even more importantly, the general objectives of education are being compromised, including the fundamental aim of "making knowledge available as a basis for understanding oneself, others and the world we live in", again recalling the promises of art. 3 in the Framework Law.

To refute the futility thesis in a context where "deeply redistributive as well as profoundly symbolic and existential identity questions are at stake", Brendan O'Leary asks consociational critics to consider Lebanon, Bosnia and Herzegovina, and Northern Ireland (2005, 28). His view that a consociational agreement had proven apt in these cases is presented in 'Debating Consociational Politics: Normative and Explanatory Arguments', which is the essay that I have addressed in this discussion, and which captures the spirited disagreements surrounding the conceptual, empirical and prescriptive merits of consociational theory. The scope of my research project is narrower than to give a full, positive or negative, answer to whether consociationalism has failed in Bosnia, or to question the whole consociational enterprise. What I have done, is to show how the consociational approach to cultural autonomy in education has perpetuated conflict in post-war Bosnia, rather than to help resolving conflict, by creating and upholding an expensive and inefficient system, that is incapable of handling diversity. It would not be incorrect to call this outcome perverse, if we adopted Hirschman's definition (1991,7).

7 Conclusion

I chose to do a single-case study to answer why the consociational prescription to have cultural autonomy in education contributes to perpetuating ethnic conflict instead of resolving conflict, in post-war societies like Bosnia and Herzegovina. I conclude that the cultural autonomy prescription *assumes* what Donald Horowitz calls a recognition of equality (2002a, 22), that it *requires* such a recognition to contribute to conflict resolving, but that is unable *produce* such a recognition. Without a recognition of equality, the Bosnian case shows, the consociational approach to cultural autonomy in education is fundamentally incapable of handling diversity. Decentralisation of decision-making in education serves to empower the majority ethnic group in the various administrative units, at the cost of the minorities, since "ethnical cleansing" in Bosnia is not complete. The "two schools under one roof" are but one of the several manifestations of educational protectionism, where attempts at strengthening internal group cohesion have adverse consequences for inter-group relations, especially for those who find themselves being in a numerical minority – be it in FBiH or Republika Srpska. Consociational democracy is presented as a benign alternative to partitioning, and it would not be meaningful to condition cultural autonomy on the presence of ethnically concentrated, completely homogeneous groups.

One feeble extra-curricular activity to counter-weight divisive schooling, initiated by the FBiH Ministry of Education and Science in 2012, chose the topic *"Future that I want in Bosnia and Herzegovina – One Roof for All of Us"* for a writing contest, with participants from primary and secondary schools (BiH 2013a, para. 393). Two scenarios of how the educational situation might develop in the future, have been presented by Valery Perry (2013, 243–245). The first and most likely scenario is business as usual; more of the same would in the long-term see ethnic minorities move to parts of the country where they could form the majority, or choose to stay put and quietly assimilate. Perry states: "Clearly, separation is no solution, unless the separation eventually – somehow – really does become complete (ibid., 245)." The drawbacks of this scenario have been analysed and discussed in the thesis. The second and more optimistic scenario is inspired by the comparative success of the internationally run District of Brčko and envisions an education that caters to all young citizens of the country, and a situation where parents would not have to worry about what ethnicity the nearest school was associated with. The second, less conflictual scenario, would require a recognition of equality on the part of educational decision-makers, but envisions primary and secondary schools that not only appre-

ciate the diversity of the country, thus realising the virtues of the 'positive face of education in ethnic conflict', but that could also move towards realising the general objectives of education.

I reiterate that the type of power-sharing that I have been exploring is the consociational one, associated first and foremost with Arend Lijphart. I have gone to the core and examined the very "nature of consociational democracy" (1977, 42), because of the conceptual elusiveness that, according to one critic, has "served to disguise the primordialist, segregationist and elitist roots that continue to inform the consociational model" (Dixon 2011, 313). I have substantiated the claim that consociationalism has not theorised the 'negative face of education in ethnic conflict' (Bush and Saltarelli 2000), through a review of consociational theory development, followed by an empirical exploration of the interplay between ethnic conflict and educational policy in a post-war case. I attribute that theoretical blind spot to "a clear-cut case of conceptual stretching" (Bogaards 2000, 416) since the theory was moved far beyond its origins, and to its failure to consider a mainstream constructivist perspective on the construction and maintenance of ethnic boundaries. Lijphart has explained that scholarly experts should be engaged in deeply divided societies – including those suffering from ethnic conflict – because of the complex dilemmas that politicians in these countries need to tackle, which may result in ill-advised decisions (2002; 2004). Scholarly experts should be of service by formulating specific recommendations and guidelines (Lijphart 2004, 96), which is why it is important to be clear about consociational approach to education in ethnically divided societies: Consociationalism does not present scholars, nor decision-makers, with a set of recommendations that will help them avoid making ill-advised decisions in education. The educational policy prescriptions are fixed in a problematic theoretical framework (Dixon 2011), and are universal and vague – as opposed to the detailed and context-informed kind needed in an ethnically divided, post-war society.

7.1 Pinpointing scholarly contributions

The societal, real-world importance of my research topic was presented in the introduction, and made crystal clear in subsequent chapters of the study. Summaries of case studies cannot do full justice the complexities therein; in one important sense, the case study *is* the result. "Above all," Nietzsche once said about doing science, "one should not wish to divest existence of its *rich ambiguity*" (quoted in Flyvbjerg 2006, 237). So, does that mean *case closed*? Hardly. All case study researchers should be prepared to pinpoint their contributions, in terms of added

scholarly value. I identify five contributions stemming from my embedded single-case study on post-war Bosnia, in addition to "the irreducible quality of good case narratives" (ibid.).

The contribution of my thesis has been: (1) to evaluate unquestioned assumptions underlying the consociational prescription to have cultural autonomy, and (2) to identify education as an over-looked but important topic in the power-sharing literature, followed up with a systematic exploration of educational protectionism in a post-war case, which are two strategies for making sure that the study will be important to the scholarly community (King, Keohane, and Verba 1994, 17). Furthermore, I have: (3) built on earlier works on a fragmented and divisive educational system in Bosnia, but in an explicitly theoretical manner added a constructivist perspective on ethnic conflict, and moved beyond mere prescription and description in my embedded single-case study, in response to requests from my predecessors (Swimelar 2013, 162; Nelles 2006, 237–238). I have not regarded public schooling as the main factor in conflictual relations among the constituent peoples, but as a contributing factor to societal and political tensions at multiple levels in Bosnia (Swimelar 2013, 177). Furthermore, I have: (4) produced nuanced, context-dependent knowledge about my Bosnian case. Such data are a prerequisite for general, rule-based knowledge. By doing this, I have asserted the value of the case study method as one useful way to leverage existing understanding in order to extend our common knowledge (Flyvbjerg 2006, 222–223; McKeown 1999, 187). Finally: (5) My constructivist study on the dynamics of ethnic conflict has been a genuinely interdisciplinary one, as ordered by Mitchell (1981, 4), drawing on insights from both social anthropology and comparative education, while being firmly rooted in the discipline of comparative politics.

7.2   Suggestions for further research

The divided schools in Bosnia bring to the fore the tensions between individual and group rights, and between the state and the lower levels of government, that are embedded in its political system. Disagreement between the three political communities in Bosnia, on the future of the country, remains, and so do the problematic manifestations of educational protectionism, found in the primary and secondary schools of FBiH and Republika Srpska. The conclusion of my case study – that the cultural autonomy prescription *assumes* a recognition of equality, that it *requires* but is unable to *produce* – does seem to weaken the original proposition put forth by Lijphart in *Democracy in Plural Societies* (1977, 42), and should therefore, according to his classic piece on the comparative method, have "great theoretical value" (Lijphart 1971, 692).

Considering the attempts to conflate consociational democracy with the much broader field of power-sharing (Jarstad 2008b), this finding is not trivial, and underscores the need for conceptual clarity on the part of those political scientists and practitioners who work on the complex interplay between education and ethnic conflict, in deeply divided societies coming out of war.

Bosnia was famously referred to as "a problem from hell" by American diplomats (Power 2002), but respect for its particularities must not serve to disguise the problems that are inherent in all attempts at post-war reconstruction: "The international community cannot take comfort in the idea that Bosnia is a particularly difficult country – it is difficult, but so are all others it is being forced to take on, from Afghanistan to the Democratic Republic of the Congo (DRC) or Iraq (Ottaway 2003, 317)." While a single-case study is tailored to provide in-depth knowledge of one case, and to shed empirical light on existing theory (Yin 2014), it is important to acknowledge the limitations of this method, in terms of establishing representativeness. The theoretical argument that the consociational cultural autonomy prescription is unable to produce a recognition of equality in a post-war society, (a recognition it *requires* to work conflict resolving), is supported by evidence from the Bosnian case, but should be subjected to cross-case analysis. Since all research should be cumulative, I finish with two concrete suggestions.

My first suggestion to complement my Bosnian case, posits a paired comparison of Bosnia and Macedonia, as an intermediate step between my single-case study and a future test on multiple cases (Tarrow 2010). The cases have in common institutionalised power-sharing, recent inter-ethnic conflict, and international involvement (Bieber and Keil 2009, 338), as well as transitions to democracy and a market economy, after the dissolution of Socialist Yugoslavia. The "Ohrid Framework Agreement" explicitly regulates primary and secondary education, and linguistic rights were central in the 2001 negotiations between the Albanian and Macedonian elites. Non-territorial rights are more pronounced than in Bosnia, and the central state has significant educational competencies in curriculum development, unlike Bosnia. Municipalities have been re-delineated along ethnic boundaries, and may establish schools and decide on language of instruction. Territorial decentralisation has led to a majority of mono-ethnic schools, taught in the Macedonian or the Albanian language, barring certain ethnically heterogeneous areas, where there are schools organised as the "two schools under one roof" in FBiH (Arraiza 2014). The 2001 conflict was not as severe as that in Bosnia, and the Albanian National Liberation Army did not fight for secession from the state, but demanded recognition as a second official constituent nation, and linguistic and educational rights (Bieber and Keil 2009, 345). Despite their differences, in both Balkan countries have calls for cultural autonomy and linguistic rights

established a barrier of intolerance as a way to prevent other groups entering (Božić 2006, 327). Surely, a follow-up on this suggestion would provide more insights on the topics of my thesis.

A major theme of my thesis has been the interplay between education and conflict, which was recently made the topic of UNESCO's yearly *Education For All* Global Monitoring Report (2011). My second suggestion is conceptually broader than the first, which asked for an analysis of long-term consequences, and asks students of comparative politics to direct their attention to the on-going battles in Eastern Ukraine. Ukraine gained its independence when the Soviet Union was dissolved in late 1991, at the same time as SFRY was about to disintegrate. The wars of Yugoslavian succession were the most severe incidents of international warfare on European soil since the Second World War. Now – following Russia's annexation of Crimea in 2014 – two autonomous republics have sprung up in the Ukrainian Donbass region, collectively called *Novorossiya*. A field report from May 2016, written by a social anthropologist, pays a visit to School nr. 57 in Donetsk, where a girl reads out loud a paper she has written on the republic. She says that the Donetsk People's Republic was founded on 7 April 2014, and that its flag is black, blue and red; the black stands for coal, the blue is for the sea, and the red is for the blood of the soldiers. The new republic boasts its own national song, sung before the end of class, and takes its melody from the Soviet Union's old hymn; the obligatory subject "patriotic education" is brand new, and textbooks are still in the making (Flatland 2016). Russia's humanitarian convoys to Donetsk and Luhansk include not only tonnes of food, but tonnes of textbooks (Sputnik 2016). Ukraine's 12-point grading system are being substituted for the Russian five point system, report cards and schools certificates are fitted with the official Russian emblem, and so is the history curriculum, covering the historical events under the 2014 *Maidan* revolution, the Second World War, and the catastrophic *Holomodor* famine in 1933 (Losh 2015). The war between pro-government forces and separatist, ethnic Russians provides an urgent reminder that Bosnia's warring factions in the 1990s were not exceptional in treating the educational system as an integral part of attempts to form new states, and with it: new *demoi*.

The inter-disciplinary approach of my master's thesis, combining work from social anthropology, comparative education and comparative politics, has allowed for an in-depth study on a topic often neglected in works on power-sharing. It is my suggestion and sincere hope that education remains on the agenda, for practitioners and political scientists the like.

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9 Appendix

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9.2 Information letter and consent form

Figure 8. Information letter and consent form (first page)

Request for participation in research project

Background and Purpose

The purpose of this research project is to examine how politicisation and fragmentation of education in Bosnia and Herzegovina have prolonged the practice known as «two schools under one roof», whereby pupils are being educated separately according to ethnic affiliation, in some multi-ethnic cantons of the Federation of Bosnia and Herzegovina (FBiH).

I, Snorre Standish Norheim, conduct this project in **partial fulfilment** of the requirements for the degree of master in comparative politics at the University of Bergen, in Norway.

Persons sampled for interviews have been selected because of their affiliation with either a Bosnian state bureau (on federal, entity, cantonal or city level), foreign diplomatic bureau, international organisation or non-governmental organisation, or political party, which are working on educational issues within Bosnia and Herzegovina.

Alternatively, specific persons may have been selected because of that person's experience and expertise, for example a professor working on education in academia.

What does participation in the project imply?

Semi-structured interviewing is one of the methods used to gather data in this study. Participants will be asked to answer open-ended questions; this semi-structured approach allows for follow-up questions, in addition to the questions that have been prepared in the written interview guide. Each interview is stipulated to last approximately forty minutes.

Questions will concern:

- How competences in education are divided between the various institutional levels, and how this plays out in practice, for example in terms of communication, formal harmonisation and actual implementation.

- Decentralisation of education – does it open up for teacher's initiatives, or does it stop at the cantonal level. Related to this are questions of political influence.

- How education is provided in primary and secondary schools in the FBiH, including in the "two schools under one roof".

- Discrepancies between national framework laws and local level implementation.

- The international community's role in providing quality education.

- The judgement of the Supreme Court of the FBiH, which in 2014 ruled against the "two schools under one roof" practice, and the processes that followed the judgement.

Figure 9. Information letter and consent form (second page)

Interviews will be recorded on a recording device, and subsequently transcribed. During the interview, notes will be taken. These notes will add contextual information to the transcript. In addition to interviews, the study will draw on written sources, primary (reports, court rulings etc.) and secondary (news articles, academic papers etc.).

What will happen to the information about you?

All personal data will be treated confidentially. Only the student and his supervisor will have access to personal data; the data will only be analysed by the student. All gathered data is password protected. A list of identifiers (names) will be stored separately from other data. In the publication, the participants will be identifiable by their name, affiliation and job title. Participants may choose not to be recognisable in the publication; if this option is chosen, a pseudonym will be used for that one participant.

Personal information will not be published or kept after project completion. The research project is scheduled for completion by June 1st 2016. Upon project completion all gathered data will be completely anonymized, and all recordings will be erased.

Voluntary participation

The study has been notified to the Data Protection Official for Research, Norwegian Social Science Data Services. Please note that participation in the project is voluntary, and that you can at any time choose to withdraw your consent without stating any reason. If you decide to withdraw, all your personal data will be made anonymous.

If you would like to participate, and have any questions concerning the project, please contact Snorre Standish Norheim on telephone (+47 928 16 163 or +387 66 956 340) or via e-mail (Snorre.Norheim@student.uib.no).

Associate Professor Ragnhild Louise Muriaas is the supervisor on this project, and may also be contacted on telephone (+47 965 14 015) or via e-mail (Ragnhild.Muriaas@uib.no).

Consent for participation in the study

I have received information about the project and am willing to participate

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(Signed by participant, date)

9.3 Approval of research project

Figure 10. Answer from Norwegian Social Science Data Services (in

Norsk samfunnsvitenskapelig datatjeneste AS
NORWEGIAN SOCIAL SCIENCE DATA SERVICES

Ragnhild Louise Muriaas
Institutt for sammenliknende politikk Universitetet i Bergen
Christiesgt.15
5007 BERGEN

Vår dato: 08.01.2016	Vår ref: 45931 / 3 / HIT	Deres dato:	Deres ref:

TILBAKEMELDING PÅ MELDING OM BEHANDLING AV PERSONOPPLYSNINGER

Vi viser til melding om behandling av personopplysninger, mottatt 01.12.2015. All nødvendig informasjon om prosjektet forelå i sin helhet 06.01.2016. Meldingen gjelder prosjektet:

45931	*Etnisitet og elitemakt: segregert utdanning i ein postkonfliktstat*
Behandlingsansvarlig	*Universitetet i Bergen, ved institusjonens øverste leder*
Daglig ansvarlig	*Ragnhild Louise Muriaas*
Student	*Snorre Standish Norheim*

Personvernombudet har vurdert prosjektet, og finner at behandlingen av personopplysninger vil være regulert av § 7-27 i personopplysningsforskriften. Personvernombudet tilrår at prosjektet gjennomføres.

Personvernombudets tilråding forutsetter at prosjektet gjennomføres i tråd med opplysningene gitt i meldeskjemaet, korrespondanse med ombudet, ombudets kommentarer samt personopplysningsloven og helseregisterloven med forskrifter. Behandlingen av personopplysninger kan settes i gang.

Det gjøres oppmerksom på at det skal gis ny melding dersom behandlingen endres i forhold til de opplysninger som ligger til grunn for personvernombudets vurdering. Endringsmeldinger gis via et eget skjema, http://www.nsd.uib.no/personvern/meldeplikt/skjema.html. Det skal også gis melding etter tre år dersom prosjektet fortsatt pågår. Meldinger skal skje skriftlig til ombudet.

Personvernombudet har lagt ut opplysninger om prosjektet i en offentlig database, http://pvo.nsd.no/prosjekt.

Personvernombudet vil ved prosjektets avslutning, 01.06.2016, rette en henvendelse angående status for behandlingen av personopplysninger.

Vennlig hilsen

Katrine Utaaker Segadal
                              Hildur Thorarensen

Kontaktperson: Hildur Thorarensen tlf: 55 58 26 54
Vedlegg: Prosjektvurdering
Dokumentet er elektronisk produsert og godkjent ved NSDs rutiner for elektronisk godkjenning.

Figure 11. Answer from Norwegian Social Science Data Services (in Norwegian)

Personvernombudet for forskning

Prosjektvurdering - Kommentar

Formålet er å undersøke hvordan korporative konsosierte demokrati kan fryse fast etniske skillelinjer i et postkonfliktsamfunn.

Utvalget informeres skriftlig og muntlig om prosjektet og samtykker til deltakelse. Informasjonsskrivet er godt utformet.

Det tas høyde for at det vil kunne bli behandlet sensitive personopplysninger om etnisk bakgrunn eller politisk/filosofisk/religiøs oppfatning.

Personvernombudet legger til grunn at forsker etterfølger Universitetet i Bergen sine interne rutiner for datasikkerhet. Dersom personopplysninger skal lagres på privat pc/mobile enheter, bør opplysningene krypteres tilstrekkelig.

Det oppgis at personopplysninger skal publiseres. Personvernombudet legger til grunn at det foreligger eksplisitt samtykke fra den enkelte til dette. Vi anbefaler at deltakerne gis anledning til å lese igjennom egne opplysninger og godkjenne disse før publisering.

Forventet prosjektslutt er 01.06.2016. Ifølge prosjektmeldingen skal innsamlede opplysninger da anonymiseres. Anonymisering innebærer å bearbeide datamaterialet slik at ingen enkeltpersoner kan gjenkjennes. Det gjøres ved å:
- slette direkte personopplysninger (som navn/koblingsnøkkel)
- slette/omskrive indirekte personopplysninger (identifiserende sammenstilling av bakgrunnsopplysninger som f.eks. bosted/arbeidssted, alder og kjønn)
- slette digitale lydopptak

9.4   Basic interview guide

<u>Grand-tour questions</u>

- How would you characterise today's overall educational situation in Bosnia?
- Do children from different ethnic groups often meet in schools?
    - o   Are there other social arenas where they meet?
- Have there been any positive developments in primary and secondary schools since 1995?
    - o   In development of curriculum?
    - o   In development of textbooks?
- Is it still correct, in your opinion, that Bosnia has three distinct educational systems? (*Justify your answer*)
- What administrative level has the most say in educational matters? (*If not the federal level, please specify administrative level in the FBiH entity)*
- According to the UN Special Rapporteur on Education, education is "politicised". Do you agree with this description? (*Justify your answer*)
    - o   In what ways do political actors influence the content in Bosnian schools?
- Parties with a firm base in one ethnic group – as opposed to parties with a broad multi-ethnic base – dominate Bosnian politics. In what ways do the programmes of these ethnic parties shape Bosnian school education?
- The constitution lists education as a human right, Bosnia has ratified central treaties on education, and has national framework laws on education. How do you evaluate Bosnia's legislation on education?

<u>Category questions: two schools under one roof ("2in1")</u>

- Could you shortly explain how the practice of "2in1" came about?
- What defines the "2in1" practice?
- What characterises the cantons where "2in1" exists?
- Who are the main supporters behind this particular way of organising primary and secondary schools?
- Internationally, there has been much interest in the "2in1" practice. Is "2in1" a regular talking point in Bosnia?

- In 2014, the FBiH Supreme Court ruled that the "2in1" practice constitutes segregation according to ethnic criteria. Do you agree with the ruling?
  - How may such a ruling be implemented in the cantons?

<u>Category questions directed to the strategic litigators, Open Society Fund</u>

- What are the legal instruments used in your litigation against the "2in1" practice?
- Can you describe the three-stage process of litigation, in the Municipal Court, Cantonal Court and Supreme Court?
- What happened after the Supreme Court ruling?
- How may such a Supreme Court ruling be used, even if it is not implemented?
- Can you explain the special legal position of Herzegovina–Neretva and Central Bosnia?

<u>Closing the interview</u>

- Is there anything that I have not asked you about, and that I should have asked you about?
- Can you mention other persons whom I should speak to while in Sarajevo and Mostar?

Note 1: Bosnia and Herzegovina has been shortened to Bosnia
Note 2: FBiH refers to the Federation of Bosnia and Herzegovina, one of two entities
that constitute Bosnia and Herzegovina
Note 3: "2in1" refers to a particular way of organising schools that, whilst being
taught in the same building, keeps Croat and Bosniak pupils separated

9.5   List of interviews

Table 2. List of informants in Sarajevo (2.1. – 12.1.2016)

Date	Organisation	Name	Title
5.1.	Nansen Dialogue Centre (NDC) Sarajevo	Ljuljjeta Goranci Brkić	Senior Adviser
5.1.	Norwegian Embassy Sarajevo	Anne I.M. Havnør	Deputy Head of Mission
8.1.	European Union Special Representative (EUSR) in BiH	Marsaili Fraser	Acting Head of EUSR Political Office
8.1.	University of Sarajevo; Academy of Sciences and Arts of Bosnia and Herzegovina (ANUBiH)	Adila Pašalić-Kreso	Professor emerita; vise president of ANUBiH
8.1.	Schüler Helfen Leben (SHL) Sarajevo	Aida Bećirović	Leader of SHL Sarajevo
10.1.		Valery Perry	Independent researcher
11.1.	Open Society Fund BiH	Mervan Mirascija	Law Programme Coordinator
		Dzenana Trbić	Education Programme Coordinator
12.1.	OSCE Mission to Bosnia and Herzegovina	Aleksandra Krstović	Education Adviser on Non-Discrimination
		Azra Mulahasanović	Senior Public Information Assistant

Table 3. List of informants in Mostar (13.1. – 22.1.2016)

Date	Organisation	Name	Title
13.1.	EUSR	Petar Kraljević	Political Advisor
13.1.	*International organisation*	*Anonymous informants*	*Anonymous informants*
14.1.	United World College	Valentina Mindoljević	Headmistress
15.1.	HDZ BiH Mostar; Political Academy of HDZ BiH	Damir Džeba	Local party leader; executive director
18.1.	Gimnazija Mostar	*Informant withdrew*	Deputy director
18.1.	SDP BiH Mostar	Edin Zagorcić*	Local party leader
19.1.	Agency for pre-primary, primary and secondary education	Marija Naletilić*	Head of the common core curriculum
		Adrian Juka Novak	Senior Advisor for International Cooperation
19.1.	Nansen Dialogue Centre	Elvir Djuliman	Director of NDC Mostar
19.1	Local Democracy Agency	Dzenana Dedić	Director of LDA Mostar
20.1.	Federal Ministry of Education and Science	Ismet Strujo*	Assistant Minister for Preschool, Elementary and Secondary School Education

* Informants communicated via an interpreter provided by the institution.

9.6 Results from the 12 October 2014 general elections

Table 4. BiH tripartite presidency election results, 2014

Candidate name		Party affiliation	Number of votes	Per cent of votes
	Mladen Ivanić	**Alliance for Changes**	**317,799**	**48,70**
Serb member, from RS	*Željka Cvijanović*	SNSD-DNS-SP	310,867	47,64
	Goran Zmijanjac	Party for Just Politics	23,936	3,67
	(a total of three candidates ran for the Serb seat)			
	Dragan Čović	**HDZ BiH**	**128,053**	**52,20**
Croat member, from FBiH	*Martin Raguž*	HDZ-1990	94,695	38,60
	Živko Budimir	DF	15,3687	6,27
	(a total of four candidates ran for the Croat seat)			
Bosniak member, from FBiH	**Bakir Izetbegovic**	**SDA**	**247,235**	**32,87**
	Fahrudin Radončić	SBB BiH	201,454	26,78
	Emir Suljagić	DF	114,334	15,12
	(a total of ten candidates ran for the Bosniak seat)			

Source, results: OSCE/ODIHR (2015); Central Election Commission (2014).

Source, political orientation: Hulsey (2015); Perry and Keil (2015).

Table 5. BiH House of Representatives election results, 2014

FBiH voters:

	Political orientation	Per cent	Total seats	Direct seats	Compensatory seats
SDA	Bosniak	27.87	9	7	2
DF	Multi-ethnic	15.33	5	4	1
SBB BiH	Bosniak	14.44	4	3	1
Coalition: HDZ BiH, HSS, HKDU, HSP, Dr. Ante Starčević, HSP of Herceg Bosna	Croat	12.15	4	4	
SDP	Multi-ethnic	9.45	3	2	1
HDZ 1990	Croat	4.08	1		1
BPS	Bosniak	3.65	1		1
A-SDA	Bosniak	2.25	1	1	
Other		10.78			
TOTAL		100	28	21	7

RS voters:

Parties	Political orientation	Per cent	Total seats	Direct seats	Compensatory seats
SNSD	Serb	38.84	6	5	1
SDS	Serb	32.67	5	4	1
Coalition: PDP, NDO	Serb	7.77	1		1
Coalition: DNS, NS, SRS	Serb	5.72	1		1
SDA	Bosniak	4.84	1		1
Other		10.53			
TOTAL		100.37	14	9	5

Table 6. FBiH House of Representatives election results, 2014

Parties	Political orientation	Per cent	Total seats	Direct seats	Compensatory seats
SDA	Bosniak	27.79	29	21	8
SBB BiH	Bosniak	14.71	16	13	3
DF	Multi-ethnic	12.90	14	10	4
Coalition: HDZ BiH, HSS, HKDU, HSP, Dr. Ante Starčević, HSP of Herceg Bosna	Croat	11.93	12	11	1
SDP	Multi-ethnic	10.14	12	10	2
HDZ 1990	Croat	4.04	4	4	
BPS	Bosniak	3.72	4		4
SBiH		3.30	3		3
A-SDA	Bosniak	2.25	2	2	
Nasa Stranka	Multi-ethnic	1.54	1	1	
LS BiH	Regional	0.57	1	1	
Other		7.11			
TOTAL		100	98	73	25

Table 7. RS National Assembly election results, 2014

Parties	Political orientation	Per cent	Total seats	Direct seats	Compensatory seats
SNSD	Serb	32.28	29	24	5
Coalition: SDS, SPS, SRS RS	Serb	26.26	24	20	4
Coalition: DNS, NS, SRS	Serb	9.22	8	6	2
PDP	Serb	7.38	7	6	1
Coalition: Domovina	Bosniak, Croat, multi-ethnic	5.22	5	3	2
PDP	Serb	5.13	5	3	2
SP RS	Leftist	5.09	5	1	4
Other		9.42			
TOTAL		100	83	63	20

9.7   List of active political parties since 1990 elections

Table 8. Political parties in the BiH House of Representatives, 1990 onwards

Abbreviation	Party name	Coalitions and former parties
A-SDA	Party of Democratic Activity	
BPS	Bosnian-Herzegovinian Patriotic Party	
DNS	Democratic People's Alliance	
DNZ	Democratic People's Union	
HDZ	Croatian Democratic Union of Bosnia and Herzegovina	2002: Croatian Coalition, HK
HDZ1990	Croatian Democratic Union 1990	2006: Croats Together, HZ
NHI	New Croatian Initiative	1998: New Croatian Initiative-Croatian Christian Democratic Union, NHI-HKDU
NS	People's Party Working for Prosperity	
NSSM	People's Union for Peace.	
PDP-NDP:	Party for Democratic Progress-National Democratic Movement	2000–2010: Party for Democratic Progress, PDP
SBB	Union for a Better Future	
SBiH	Party for Bosnia and Herzegovina	
SDA	Social Democratic Action	
SDBiH	Social Democrats of Bosnia and Herzegovina	1990: Union of Reform Forces, SRS
SDP	Social Democratic Party of Bosnia and Herzegovina	1990: League of Communists of Bosnia and Herzegovina-Party of Democratic Renewal, SKBiH-SDP 1996: United List, ZL
SDS	Serbian Democratic Party	
SNS	Serbian People's Alliance	1998: Unity Coalition, SLOGA
SNSD	Alliance of Independent Social Democrats	1998: Party of Independent Social Democrats, SNSD 2000: Party of Independent Social Democrats-Democratic Socialist Party, SNSD-DSP
SP	Socialist Party	1998–2002: Socialist Party of RS
SRS	Serbian Radical Party of the Serbian Republic	

Source: Parties and Elections in Europe (Nordsieck 2010).