

# Political Pluralism and the Camel's Back

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On 27 April, the High Representative in Bosnia and Herzegovina, Christian Schmidt has [unblocked the appointment of the government](#) of the Federation of Bosnia and Herzegovina by overriding the veto of the largest Bosniak party, SDA. The party, [currently in opposition](#), had [blocked the appointment of the government](#). Schmidt's move could be a welcome breakthrough – [the country has been ridden by abuses of ethnic vetoes](#) ever since the Dayton Agreement. However, this specific imposition may have detrimental consequences for the future of political pluralism in Bosnia and Herzegovina, and any parties which want to outgrow the existing ethnic division.

## Balancing stabilitocracy and ethnic power-sharing

The Federation of Bosnia and Herzegovina (FB&H) is a consociation [within a larger consociation which is the state of Bosnia and Herzegovina](#). The Federation is *de facto* defined by two ethnic groups, Croats and Bosniaks, whereas in the state Serbs share power as well. Designed to end a war and ensure consensus between warring parties, the constitutional system is ridden with corporate power-sharing principles. The parliament of FB&H has two chambers, one consisting of elected representatives, the other of delegates from cantonal assemblies, which comprise ethnic caucuses. Both chambers have equal importance in confirming laws. However, only the ethnic caucuses have veto power. The government of FB&H is defined through the ethnic affiliation of the ministers (8 Bosniaks, 5 Croats, 3 Serbs). Additionally, there is a president of the FB&H, and two vice presidents, all three coming from different constituent peoples.

Natural consequence of such a constitutional design is a number of [formal and informal veto mechanisms](#). This principle of ethnic proportionality and/or parity has created a political race in which civic parties have an uneven playing field – [ethnic interests, ethnic vetoes and ethnic consensus are the leitmotifs of post-war Bosnia](#). All non-ethnic players are, to an extent, [incompatible with the current system](#), and struggle to gain popularity.

The elections of 2022 [carried a lot of weight on their shoulders](#). HDZ had blocked the Government of FB&H for four years, which meant that the 2014-2018 government – in which HDZ had its ministers – has covered the 2018-2022 period in technical mandate. HDZ has virtually held the FB&H hostage, asking for changes in the election system. Christian Schmidt (who was [by some deemed as a supporter](#) of HDZ in Croatia prior to his appointment) has rewarded their hardliner approach [by changing the Constitution of FB&H on election day, after the polls were closed](#). Despite the timing of the decision, the fact that his changes favored HDZ while

ignoring the long standing issue of the position of Others, [was recognized as a sign of a stabilitocracy](#).

Ironically, [the breaking of this stalemate](#) brought about the current predicament – with this change, the former German Minister of Food and Agriculture has increased the number of the ethnic delegates in the House of the Peoples and introduced changes to the process of nomination of the president and the vice presidents of the entity. Changes originally introduced to [„improve the functionality of the institutions of the Federation“](#) have backfired fairly quickly after SDA took control of the Bosniak caucus in the House of the Peoples, which in turn named an SDA vice president, who denied his approval of the appointment of a new government. Although the election results have allowed for a majority to be formed without SDA, they have decided to use the ethnic veto mechanism to try and force themselves into power.

On 27 April, Schmidt overrode the SDA veto, and decided to enable the appointment of the new government without the SDA's vice president's approval.

Parallely to the unblocking of the government, the High Representative also announced the possibility of dismantling the veto of the vice president, by conditioning it with a 3/5 support in the House of the Peoples, a majority [seemingly carefully designed to allow HDZ to sustain any of its future vetoes](#), while not allowing the same for SDA.

In a country whose constitutional system is marked by blockages and deadlocks, removing one such blockage „from above“ seems logical<sup>1)</sup> and reasonable – at the end of the day, the party that was blocking the process of forming the government represents only one part of the Bosniak electorate. This seems to be a significant fact for Schmidt. In [his speech](#) prior to the decision, as a particularly important circumstance, Schmidt mentioned the fact that unblocking is necessary because the existing FBiH government does not maintain the will of the voters. An uninformed reader would miss the fact that this failure to uphold the will of the voters has continued uninterrupted for the [previous four years without interventions](#), due to HDZ's blockade. However, the HDZ's blockade is seen as a blockade of the constituent people, not just one party. The Croat political spectrum in BiH is homogenized, with only one relevant party for negotiations. In contrast, the SDA, primarily supported by Bosniaks, does not have a monopoly on Bosniak votes (and ethnically non-aligned voters) and shares them with other ethnic and civic parties. Thus, when the SDA uses veto mechanisms, it is seen as pursuing its own party interests, not the protection of ethnic interest. Although aiming at changing the election system to ensure the strengthening of its position, HDZ' veto appears as a legitimate Croat veto, worthy of four years of stalemate.

## **Is political pluralism sacrificed for stability?**

As we have already seen, the power sharing qualities of the constitutional design create a disadvantage for non-ethnic/civic political parties. In a post-conflict atmosphere in which reconciliation still has not taken root, this corporate power-sharing has created a political arena in which ethnic outbidding is richly rewarded.

By now, Bosnia and Herzegovina has become synonymous with centripetal political parties who put their ethnic interest above anything else, including the functioning of the state. This ethnic echo-chamber which keeps deepening the divide was recognized fairly early by the OHR and the international community. Growing political pluralism to move away from purely ethnic political parties is one of the most important goals of the Office of the High Representative. In his report to the UN Secretary General, Carl Bildt stated that the essential goal is to [build a democratic society based on political pluralism](#). The Peace Implementation Council also cited the promotion of [political pluralism as one of the essential goals](#), and the 2000 election results were praised precisely because they indicated that the country had reached a [certain degree of political pluralism](#).

Improving pluralism is perfectly reasonable. Ethnic parties often question the existence of the state, and put ethnicity before the state. They are the so-called centripetal forces that prevent effective cooperation between different parts of a divided society and thus actively contribute to blockages and setbacks. Therefore, the international community, at least nominally, stood for breaking the dominance of the political parties that essentially participated in the war (with HDZ and SDA considered as such *par excellence*) in Bosnia and Herzegovina.

Christian Schmidt, whose previous attempts have been criticized as [detrimental to political pluralism](#) is now turning the course of the international community by 180 degrees with his actions. His intervention on election day 2022 and the decision on 27 April send a clear message to the Bosniak electorate that Bosniak political parties cannot block like Croatian ones, because Bosniak votes are scattered across the political spectrum. HDZ's blocks are tolerated, and accommodations are made to suit their interest, while SDA's block are dismantled, simply because there is Bosniak plural competition. In the political climate of Dayton, which places ethnic harmony as a *conditio sine qua non*, and in daily political discourse in which the political future of Bosnia and Herzegovina constantly seems threatened, it is only logical that there will eventually be a reunion of Bosniaks around one party. Political pluralism, however, will not seem as a goal to be attained, but a naïve laying of ethnic veto weapons which others get to keep.

The creation of such a climate should not be a consequence of the actions of the OHR. In a society that still lives in a post-conflict context, regardless of the number of years that have passed since the war, favoring ethnic homogenization and eliminating political pluralism cannot contribute to a better functioning of BiH in the long run. Political parties that want to act beyond the framework of ethnic divisions and deal with problems that are common to all ethnic groups in BiH are already discouraged as the constitutional system of both FBiH and BiH favors ethnic parties. While previous High Representatives often tried to amortize this circumstance, which is a product of the necessity of stopping the war in Bosnia and Herzegovina, the new High Representative seems to have decided to go all the way with ethnic homogenization, and to completely discourage political parties that want to outgrow ethnic boundaries.

By tolerating an ethnic veto coming from HDZ, and swiftly acting when SDA abuses the veto, Schmidt has added more substance to allegations that the OHR

and the [international community now prefer one ethnic party to the other](#). The political pluralism of the Bosniak electorate, which is far ahead of Serbian or Croatian pluralism and has long been under the burden of the Dayton constitutional arrangement, is hurt by this short-term stabilitocratic approach. This decision may not necessarily be the last straw, but the camel's back is close to breaking.

#### References

- There is a wider debate about whether the High Representative has the right to encroach on the FBiH Constitution as an autonomous law of the entity. – former USBiH judge Josef Marko has indicated earlier that changes to the FBiH Constitution are possible only exceptionally, if those changes are necessary for harmonizing the entity constitution with the state constitution. But bearing in mind that the High Representative ignored this dilemma when imposing a solution on election day, this debate was put aside in the following.

