

DEMOCRACY, DIVERSITY, AND CONFLICT

**Containing the Dangers of Democratization:
A Record of Peacebuilding in Bosnia and Herzegovina**

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Containing the Dangers of Democratization: A Record of Peacebuilding in Bosnia and Herzegovina

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Peacebuilding aims at creating structures and capabilities within the affected society which will avoid the relapse into armed conflict. Since the end of the Cold War, democratization has been chosen as the standard strategy of peacebuilding.¹ Democracy provides an alternative to armed conflict. Governments can be removed without bloodshed, and other political intra-state disputes may be settled or solved non-violently as well.² Democracy deserves a prominent place in theories of civil peace. Nevertheless, some dangers for civil peace and the democratic order itself have roots in the elements of democracy. Democratic liberties can just as well be (ab)used by anti-democrats as by extremists, and thus democratic systems bear the risk of their own overthrow. A second danger results from the political contestation that characterizes democracy. Competition offers incentives for candidates and political parties to inflame hatred and fear in order to win the support of as many people as possible. A third peril is the use of majority rule to exclude whole conflict parties from political decision-making or to ignore their needs and interests completely. Under the specific conditions of post-war societies the destructive potential of democracy and democratization is more easily activated. That is due to the fact that war has pushed back democratic attitudes and actors, while extremist and criminal actors have risen into high social and political positions. Compared to well-established democracies, it is less likely that democratic rules will be obeyed. Conflict parties abide less by democratic norms and distrust each other more than in consolidated democracies. Democratic contestation means “organized uncertainty” (Adam Przeworski).³ In post-war societies, however, there is so much at stake that uncertainty seems to be more threatening than in established and consolidated democracies.

* Thanks to the German Academic Exchange Service for support of my research in Bosnia and Herzegovina from March to June 2005, and to Judith Reppy and Sandra Kisner for constructive comments and the English editing.

¹ Paris 2001, p. 15.

² Przeworski 1991.

³ Przeworski 1991, p. 13.

Those institutions whose purpose is to guarantee democratic contestation and the security of the conflict parties are regarded as unreliable and are subject to the greatest challenges.

After case studies on creating democracies in eleven post-civil war societies, Roland Paris did not reject the objective of democracy-building. Instead, he proposed the concept of “institutionalization before liberalization,” which is supposed to contain the dangers of democratization after civil strife. This approach consists of the following recommendations:

1. elections only under ripe conditions;
2. creating effective institutions by international administration;
3. establishing an election system that makes moderation pay;
4. banning radical political parties and organizations;
5. support for moderate political parties and civil society organizations;
6. control of hate speech.⁴

While post-conflict elections,⁵ power-sharing provisions,⁶ or security guarantees by external actors⁷ have attracted much attention, the research on post-civil societies has neglected the new concept of “institutionalization before liberalization.” My paper demonstrates that the efforts of peacebuilding in Bosnia and Herzegovina came rather close to this approach without trying to implement all its recommendations. This paper serves to assess the results produced by these attempts at peace- and democracy-building. At first, however, I give a brief overview over the war in Bosnia-Herzegovina and the Dayton Peace Agreement.

1. The war in the Republic of Bosnia and Herzegovina and the peace agreement of Dayton

Before the war, fewer than 4.5 million people lived in Bosnia-Herzegovina. Most of the Muslims or Bosniacs (44% of the population) and the Croats (17%) wanted to secede from

⁴ Paris 2004, pp. 189–207.

⁵ Ball and Halevy 1996; Crocker and Hampson 1996; Kühne, Cross, and Schümer 1996; Kumar 1998; Lyons 2002; Reilly 2002; Reilly 2004; Wolff 2003; Woodward 1999.

⁶ Hoddie and Hartzell 2001; Lake and Rothchild 2001; Schneckener 2002; Sisk 1996; Walter 2002.

⁷ Doyle and Sambanis 2000; Fortna 2003; Hartzell, Hoddie, and Rothchild 2002; Walter 2002.

Yugoslavia. Most of the Serbs (31%), however, opposed this desire for independence. After Bosnia-Herzegovina had won international recognition as a sovereign state under the name “Republic of Bosnia and Herzegovina” in spring 1992, radical Serbs and later also radical Croats fought for secession from the new state.⁸ The war lasted three and a half years, 100,000 people were killed,⁹ and every second citizen became a refugee or displaced person.

After the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina, known as the Dayton Agreement,¹⁰ in December 1995, many thousands of peace-builders invaded the country and set up a giant laboratory for social engineering. The Office of the High Representative (OHR) had the task of coordinating the efforts to implement the civilian parts of the Dayton Agreement. An OSCE mission had to organize elections. One of the most striking findings of research on civil wars is that a credible security guaranty by external actors drastically reduces the probability of a relapse into civil strife. It was a lesson learned and implemented in Bosnia and Herzegovina, where multinational peacekeeping forces credibly guaranteed security to all parties to the conflict. In December 1995, the Implementation Force (IFOR) of about 60,000 troops started its mission in Bosnia and Herzegovina. At the end of 2005, about 6,000 soldiers of the European Union Force (EUFOR) kept the peace.¹¹ In the following, I use the short but not very precise term “peace mission.” In fact, many state agencies, international organizations, and non-governmental associations with different and even contradicting approaches took part in consolidating the peace in Bosnia and Herzegovina.¹²

⁸ On the collapse of Yugoslavia and the resulting conflicts: Glenny 1996; Melčić 1999; Mann 2005; Nation 2003; Silber and Little 1997; Woodward 1995. On Bosnia and Herzegovina in particular: Burg and Shoup 1999; Calic 1996; Krech 1997; Malcolm 1996; Rieff 1995; Sudetic 1998. On the efforts to terminate the war: Bildt 1998; Eisermann 2000; Giersch 1998; Gow 1997; Holbrooke 1998; Owen 1996.

⁹ Data provided by the Research and Documentation Center Sarajevo (<http://www.idc.org.ba>): Skrbić 2006.

¹⁰ Available at: <http://www.ohr.int/gfa/gfa-home.htm>.

¹¹ High Representative, 28 January 2006.

¹² Cf. Bliesemann de Guevara 2005, p. 8.

The more a democracy is based on the principle of “winner takes all,” the more it is likely that one of the former warring parties will monopolize political power, thereby winning in peace time what it could not achieve during the war. Its enemy, in contrast, loses the war belatedly. This would be particularly dangerous when demobilization is slow or nonexistent. Especially in societies torn apart along ethnic lines, a majoritarian democracy probably sets a society on a short track back to civil war.¹³ Wisely, the Dayton Agreement did not demand the creation of a majoritarian democracy. Instead, it prescribed a new political system, one that should largely fulfill the criteria of a consociational democracy.¹⁴ This type of democracy is characterized by four elements:

1. a shared executive of all major conflict parties in the institutions at the higher level of the political system;
2. veto right for all groups in these bodies;
3. proportionality;
4. autonomy of parties to the conflict, which may include federalism.

According to the peace accords, Bosnia and Herzegovina, the official name since then, remained a single state but consisted of two entities: The Federation of Bosnia and Herzegovina, covering 51% of the territory, and Republika Srpska (Serb Republic) on the remaining 49%. Republika Srpska includes the former safe area of Srebrenica, where Serb forces in July 1995 committed the worst war crime in Europe since World War II, killing almost 8,000 Bosniac boys and men.¹⁵ The common state institutions, called “institutions of Bosnia and Herzegovina,” possessed competencies only for foreign policy, foreign trade, customs, monetary policy, emigration, countrywide traffic, and communication, whereas the two entities of the Federation of Bosnia and Herzegovina and Republika Srpska had to be regarded as real power centers. While Republika Srpska was a centralized entity, the Federation was once again a consociational

¹³ Gromes 2004b.

¹⁴ On consociational democracy: Lijphart 1977; Lijphart 1990; Lijphart 1999; Lijphart 2004; Lustick 1979.

¹⁵ On Srebrenica: Bogoeva and Fetscher 2002; Honig and Both 1996; Rohde 1997; Sudetic 1998.

democracy divided into ten cantons.¹⁶ However, the federal setup with two entities for three ethnic groups was asymmetric. Despite all power-sharing provisions in the Federation, the Croats complained of being discriminated against by the constitution and menaced by the Bosniac majority.¹⁷

The Dayton constitution guaranteed the representation of all three major ethnic groups in the tripartite state presidency and indirectly in both chambers of the state parliament, as well as in the state government. It institutionalized the ethnic conflict and discriminated against those who did not want to declare themselves as Bosniac, Serb, or Croat. For the three seats in the state presidency, for instance, only Bosniacs, Serbs, and Croats could run.

More than proportionality of ethnic groups, proportionality of the entities was demanded. An ethnic veto was anchored within the state presidency; it was more powerful, however, within the House of Peoples, one of the two chambers of the state parliament. This veto was not limited to certain areas but could be used by any one of the three “constitutive peoples” when it perceived its vital interests as endangered.

2. Early elections and the illusion of an instant democracy

“Institutionalization before liberalization” includes postponing elections until ripe conditions are given; that means until passions have cooled down and reliable opinion polls show that peace-oriented parties possess sufficient support.¹⁸ Roland Paris derived this recommendation from Bosnia and Herzegovina, where the lesson to avoid early elections was not implemented. Elections and election campaigning can serve as catalysts for tensions. Ballots may lead back to

¹⁶ For two of these cantons (Herzegovina-Neretva and Central Bosnia) the constitution of the Federation prescribes further power-sharing provisions.

¹⁷ “Unfortunately, Bosniacs and Croats are put together in one half of the country and the Croats are in minority in that half. In RS (Republika Srpska, ThG) Serbs are dominant people, in Federation Bosniacs are dominant people. There is no way to find Croats to have some balance to Serbs or Bosniacs,” said Josip Merdžo (HDZ), deputy speaker of the state level House of Representatives: Interview, Mostar, 18 April 2005. I report only the position or function the interviewee held at the time of the interview.

¹⁸ Paris 2004, p. 189 ff.

bullets. In Bosnia and Herzegovina elections of the state and entity parliaments and presidencies took place in September 1996, only nine months after the signing of the Dayton agreement.

However, the case under study also demonstrates that the lesson not to hold early elections might be too simple. What would it have meant for Bosnia and Herzegovina to postpone the elections? Even after the peace agreement, the country actually consisted of three statelets or “warrior states” as Carl Bildt, the first High Representative (December 1995–June 1997) called them.¹⁹ The ethno-nationalist Serb Democratic Party (SDS) possessed a near-monopoly of power in Republika Srpska, their warrior state recognized in Dayton as an entity of Bosnia and Herzegovina. The ethno-nationalist Croat Democratic Community (HDZ) had an even tighter grip on its warrior state, “Herceg Bosna.” Finally, the ethno-nationalist Bosniac Party of Democratic Action (SDA) dominated the institutions of the Republic of Bosnia and Herzegovina which were boycotted by Serb and Croat ethno-nationalists. There were some differences in these three regimes, since the largest degree of pluralism was tolerated in areas dominated by the SDA. What the statelets had in common, however, was that the respective ruling ethno-nationalist party in each warrior state controlled almost all spheres of society: the armed forces, militias, police, secret services, courts, the most important media, the distribution of humanitarian aid and flats, and the economy, including the payment system (through “payment bureaus”) and the black market.²⁰

After the peace agreement, neither were the common state institutions created at once, nor did interim governments come to power. Thus, to postpone the elections would have meant to delay establishing the Dayton institutions that should keep the country together. Moreover, it would have resulted in continuing the autocratic rule of three parties in three ethnic statelets. This was one reason why the peace mission and opposition parties were in favor of early elections, whereas the ruling parties showed less interest in them.²¹

¹⁹ Bildt 1998, p. 249.

²⁰ Dempsey 1998; European Stability Initiative 1999; European Stability Initiative 2000; Kurspahić 2003; Vuković 2001.

²¹ Bildt 1998, p. 262; Cotti 1996.

Another reason for early elections after Dayton was that the peace mission propagated the illusion of an instant democracy that would allow them to leave the country within twelve months. The peacekeeping force and other parts of the peace mission had a mandate for one year only. With the presidential election ahead, Bill Clinton promised that the boys would be back home very soon and would not engage in long-term nation-building.²² Consequently, the citizens of Bosnia and Herzegovina went to the polling stations assuming that the peace mission would leave some weeks later. They voted in great uncertainty about the near future. By their arbitrary time-frame of one year, the peacebuilders bolstered the campaign claims of the ethno-nationalist parties that their respective ethnic groups faced a great danger. Furthermore, the peace mission demonstrated that it was not very interested in whether the Dayton institutions would be set up and become functioning. Radical groups and “spoilers”²³ who wanted to stop the peace process received the message that they had only to wait for the peacebuilders to leave. The time-frame of twelve months provided an incentive to maintain the exclusive and separate political structures of the three ethnically-defined warrior states. It ensured that after the elections the newly established democratic institutions of the Dayton agreement would not matter.

The ethno-nationalist parties that were responsible for the war won the elections and did not dissolve the illegal structures of their ethnic statelets. The Serb and Croat ethno-nationalists did not abandon their agenda of secession and they continued to obstruct the common democratic institutions at the various levels. As the first anniversary of the Dayton agreement came closer, the peace mission recognized that it had succeeded in keeping the cease-fire and in organizing elections, but had failed to get common democratic institutions functioning. It decided to stay longer, but again set another timeline of twelve months. A further year had to pass before the peacebuilders declared that they would leave only when they were sure that a self-sustainable peace existed.

²² Daalder 2000, p. 149. A high-ranking U.S. diplomat allegedly said to an official of the OSCE mission that the elections would take place in September 1996 notwithstanding “how many corpses are piled up next to the ballot boxes” (Goldston 1997, pp. 18 ff., quotation p. 19).

²³ Stedman 1997.

3. International administration through a semi-protectorate

In order to re-structure the party system, to create ripe conditions for elections, or to control hate speech, strong and effective institutions are needed. Roland Paris favors international administration that will (re-)build institutions and prepare them for a transfer of power to the local actors.²⁴ The Dayton Agreement prescribed that the peace mission take part in and even dominate some Dayton institutions: the head of the OSCE mission held the key position in the Provisional Election Commission; three of seven judges at the Constitutional Court were foreigners, and the Central Bank was run by an expert from abroad. Despite this influence, only small progress could be achieved in the first year of peacebuilding. Reacting to this, the peace mission hoped that conditionality of aid would overcome the resistance against the return of refugees and displaced persons and against the common democratic institutions according to the Dayton agreement.

At the end of 1997, however, looking back at two years of obstructionism, the Peace Implementation Council, an ad hoc body of states and international organizations interested in Bosnia and Herzegovina, expanded the mandate of the High Representative. He was given the competency to remove elected politicians and other officials who in his view had obstructed the implementation of the peace agreement. Additionally, he was allowed to make binding decisions and to impose legislation.²⁵ These competencies were called Bonn Powers because the conference introducing them took place in the former German capital. Since December 1997, the Office of the High Representative has served not only as guarantor of the Dayton constitution, but also as a second center of legislative and executive rights. Elected parliaments and governments still exist; their decisions, however, can be overruled by the High Representative. Between December 1997 and the end of 2005, the High Representative dismissed 190 politicians and other officials; in total he made 750 decisions using his Bonn Powers.²⁶ Looking at this interven-

²⁴ Paris 2004, pp. 205–07.

²⁵ Bonn Peace Implementation Conference 1997, para. XI.

²⁶ Data compiled using the information at <http://www.ohr.int/decisions/archive.asp>.

tion, Bosnia and Herzegovina has to be qualified as a semi-protectorate,²⁷ a sub-type of international administration.

The most cited study on the democratization efforts in Bosnia and Herzegovina is David Chandler's "Bosnia: Faking Democracy After Dayton."²⁸ It argues that Bosnia and Herzegovina is not a democracy, since major decisions are not made by the elected representatives but by foreign protectors. However, Chandler completely misses the point that through the undemocratic means of these protectors Bosnia and Herzegovina has become more democratic. By its sweeping powers, the peace mission made the common democratic institutions of the Dayton institutions more important. The OHR, in cooperation with the peacekeeping forces, has gradually undermined the illegal institutions of Herceg Bosna and the undemocratic power structures of the ethno-nationalist parties.

The peace mission has intervened in almost every sector of society. Already in the second year it started to loosen the ethno-nationalist parties' grip on the electronic media. Later, through the Bonn Powers, the High Representative imposed a public broadcasting system. After 1997, the peace mission expanded its efforts to reform the local police. The oversized police forces, a means of patronage, were reduced from 44,000 in 1996 to 17,000 in 2002.²⁹ All police officers were vetted for their wartime past and their human rights record after the peace agreement.³⁰ Moreover, the OHR established councils that tendered all jobs for judges and prosecutors and assessed the candidates' qualification and wartime past.³¹ The peacekeeping forces dismantled gangs or militias that served the ruling parties and attacked or intimidated opposition parties

²⁷ In a full protectorate, the peace mission takes over the state institutions and is the sole center of executive and legislative competencies.

²⁸ Chandler 2000.

²⁹ UN Secretary-General, 5 June 2002, para. 4.

³⁰ During this certification process, however, much corruption occurred: interview with Aleksandra Babić, National Political Officer EUPM SBS, Banja Luka, 14 April 2005; interview with Dragan Jerinić, chief editor of the daily *Nezavisne Novine*, Banja Luka 14 April 2005. On police reform: Bonvin 2003; Collantes Celador 2005; Human Rights Watch 1998; International Crisis Group, 10 May 2002; Stodiek 2003, pp. 159–257.

³¹ Independent Judicial Commission 2004, pp. 54–59; Schwarz 2003.

or ethnic minorities. Agencies for civil service were established in order to restrain the political parties' resources for patronage.³²

The economic power base of the ethno-nationalist parties, however, was not addressed systematically. Although the OHR announced a priority of establishing the rule of law, it is quite easy to see that war profiteers and other criminals have not lost illegally acquired property. The peace mission, however, dissolved the system of payment bureaus through which the ethno-nationalist parties had the possibility to control money flows in order to support their cronies and to finance parallel structures.³³ It introduced a new common currency, the Convertible Mark (KM), which united regions separated by three different currencies. Moreover, it established a State Border Service to reduce smuggling, which had been an important source of income for the Serb and Croat ethno-nationalists.

Of course, not every measure achieved the goals set by the peace mission. Police reform, for instance, even in 2006 is still an issue at the top of the agenda. Peacebuilders as well as analysts still do not perceive the police as independent from illegal political influence.³⁴ The crucial point, however, is that illegal and parallel structures of governance and power were destroyed completely or drastically reduced in their meaning. Without the Bonn Powers to dismiss officials and to impose legislation these illegal power structures would be much stronger than they are today. As the ethno-nationalist parties lost their anti-constitutional structures, the Dayton institutions gained relevance.

Changes in Croatia and Serbia also strengthened the Dayton institutions. Croatia's president, Franjo Tuđman, against whom the International Tribunal in The Hague had prepared an indictment, died at the end of 1999. Some weeks later, his party lost power and was replaced by a coalition led by the Social Democrats. The new government underlined that the Croats in Bosnia and Herzegovina should not strive for secession. When the Tuđman party returned to power, it had already chosen a more moderate program. Due to these developments the Croats in Bosnia and Herzegovina have had to accept that there is only a small chance to secede from this coun-

³² Zaum 2003.

³³ Zaum 2005.

³⁴ International Crisis Group, 10 May 2002; International Crisis Group, 6 September 2005.

try. The same effect, but on a smaller scale, was caused by the overthrow of the Milošević regime in Serbia in October 2000. The new governments decided to moderate their positions toward their neighbor; nevertheless Zoran Đinđić and even more Vojislav Koštunica sometimes questioned the integrity of Bosnia and Herzegovina.

Another important factor for strengthening the Dayton institutions was the shared desire of Bosniacs, Serbs, and Croats to join the European Union. According to opinion polls in 2004 and 2005, 85% would vote Yes in a referendum for EU membership.³⁵ The political leaders of the three peoples have learned that there is no way to achieve European association and integration outside the common state of Bosnia and Herzegovina.

As the ethno-nationalists realized that chances for alternative solutions to Dayton were becoming less and less likely, their willingness to work in the institutions established according to the peace agreement increased. Both the ethno-nationalist themselves and their rivals say that SDS and HDZ accepted the common state more than ten or thirteen years ago. “It is rather obvious that SDS and HDZ now include the reality into their programs. They feel that Bosnia and Herzegovina is a fact,” said Beriz Belkić (SBiH), a former member of the state presidency.³⁶ Mirsad Ćeman stated: “I am a member of the SDA and have to say that HDZ, SDS, and the other Serb parties increasingly consider Bosnia and Herzegovina as their country.”³⁷ Josip Merdžo (HDZ) stressed: “Is it not a question for us whether this is as state or whether it should be disassembled.”³⁸ While Borislav Bojić (SDS) said that his party builds on Bosnia and Herzegovina,³⁹ Igor Radojičić [Alliance of Independent Social Democrats (SNSD)] underlined: “You will not

³⁵ The European Commission’s Delegation to Bosnia & Herzegovina: Public Opinion Poll in B&H about the European Union, http://www.delbih.cec.eu.int/en/newsletter/public_poll2.ppt.

³⁶ Interview with Beriz Belkić, Sarajevo, 25 May 2005.

³⁷ Interview with Mirsad Ćeman, Sarajevo, 3 June 2005. Seada Palavrić, president of the SDA club in state level House of Representatives, said: “It seems to me they understood that there is no choice over the fact that Bosnia and Herzegovina is one state” (interview, Sarajevo, 29 April 2005).

³⁸ Interview, Mostar, 18 April 2005

³⁹ Interview, Banja Luka, 14 April 2005.

find any serious party, if any party at all, that is supporting now the idea of dissolving the country.”⁴⁰

In 2005/2006, the main political conflict was still over the question how the state of Bosnia and Herzegovina should be organized. In this regard there is no change from 1996 or 1997. Then, however, the conflict parties fought for their interests predominantly outside the Dayton institutions. Nowadays, they deal with this conflict first and foremost within the institutions established by the peace agreement.

3.1 Limits of the semi-protectorate in Bosnia and Herzegovina

Drawing conclusions from their experience, High Representative Paddy Ashdown and Michael Steiner, a deputy of one of Ashdown’s predecessors, favored a “front-loaded approach.”⁴¹ Ashdown argued “that it is vital to go in with the authority you need from the start.”⁴² In their view, the High Representative should have possessed the power to impose laws and to remove politicians already in 1996. This point, however, is problematic. It seems rather unlikely that in Dayton the parties to the conflict would have accepted in addition to other concessions to cede power to the benefit of a semi-protectorate. Thus, a semi-protectorate is available only in rare cases at the start of a peace mission.

The international agencies were present not only in Sarajevo, Banja Luka, the capital of Republika Srpska, or Mostar, the center of Herzegovina. The OHR and the OSCE mission possessed several field offices throughout the country. Perhaps they knew what was going on in the parliaments and governments at the state and entity level. The protectors, however, could not observe the situation in all towns and villages. Even if their staff were double or triple, the peace missions to Bosnia and Herzegovina would still have been troubled by a lack of knowledge. A member of the state presidency has always been decided under the eyes of the peace mission in Bosnia and Herzegovina. Notorious hot spots and strongholds of hard-liners have also attracted observation. Therefore, many sanctions affected politicians on the highest level and locations as

⁴⁰ Interview, Banja Luka, 14 April 2005.

⁴¹ Steiner 2004.

⁴² Ashdown 2004, p. 40.

Mostar, Stolac, or Dobož. However, radical or criminal officials at the local level who keep a low profile are likely to succeed in avoiding attention and punishment.⁴³ I spent more than three weeks in the city of Zavidovići in Zenica-Dobož-Canton. Many stories about war profiteers, ethno-nationalist power structures or obstructionism could be told. The responsible field office of the OHR is in Tuzla, about 70 km from Zavidovići, and the office of the OSCE mission is in Zenica, a distance of one hour. A lack of information was unavoidable for the peace mission, and this deficit inevitably led to the perception that the peacebuilders acted inconsistently and even arbitrarily. This impression furthered the suspicion that the protectors did not take the principles of democracy seriously, but tried to put through other interests.

In Bosnia and Herzegovina, the locals knew the society they lived in much better than the peacebuilders from abroad. The Bosnians and Herzegovinians possessed better connections and more expanded networks. The fact that many peacebuilders signed contracts for a six months period or even less worsened this problem. When the Bosnian and Herzegovinian actors were nevertheless threatened by sanctions, they could retreat to the lower levels of politics or other sectors of society, such as to the economic sphere, where it was much more difficult to track their activities.⁴⁴

Because of the semi-protectorate, politicians regarded changes for the better of their rivals' behavior as mere reaction to possible sanctions by the peace mission, but not as indicator of altered attitudes. "On the surface the leaders of the nationalist parties have changed. They would not say today some stupid things they said before. I do not know how much is real," Lamija Tanović [Liberal Democratic Party (LDS)] said.⁴⁵ Milorad Živković (SNSD), member of the state level House of Representatives, stated on the SDS: "I believe, if there was no pressure by the international actors, they likely would present radical rightists positions and go back to those positions they had in 1991."⁴⁶ The semi-protectorate contributed to maintaining distrust

⁴³ Confidential interview with an OHR employee, Sarajevo, 15 May 2005.

⁴⁴ Confidential interview with an OHR employee, Sarajevo, 15 May 2005.

⁴⁵ Interview, Sarajevo, 5 April 2005. A few weeks after the interview, Tanović was elected as president of her party.

⁴⁶ Interview, Sarajevo, 2 June 2005.

between the parties to the conflict. The peace mission as well wondered how much it could trust the claims by the ethno-nationalist parties to have transformed themselves.

Due to its geographical position, Bosnia and Herzegovina was a privileged case where many peacebuilders worked and a great amount of money was spent in order to consolidate peace. Marina Ottaway calculated that one would need 900,000 peace forces and civilian staff in the Democratic Republic of Congo to reach the relative size of the peace mission in Bosnia and Herzegovina.⁴⁷ Taken the currently given limited willingness for peacebuilding, a peace mission such as the one in Bosnia and Herzegovina is too expensive to be a model for all other post-civil war societies.

3.2 The Bonn Powers as an obstacle to democratization

I have argued that the sweeping powers of the High Representative were necessary to attack parallel institutions and undemocratic power structures and to create conditions in which the Dayton institutions would matter more. However, the OHR competency to sack officials and to impose decisions also weakened the role of the Dayton institutions. The peace mission saw this problem and frequently argued that the local politicians had to take over responsibility. The mantra of High Representative Wolfgang Petritsch (August 1999–May 2002) was to establish ownership.⁴⁸ His successor, Paddy Ashdown (May 2002–January 2006), repeatedly stated his regrets that he had to make use of his powers.

Local politicians perceived a strong incentive not to make unpopular decisions for themselves but to wait until the High Representative imposed a law or measure.⁴⁹ While the protector was criticized, the local politicians did not have to explain choices to their electorate but could stick to a comfortable position. The competency to remove officials could not always compensate for this unintended side effect of the Bonn Powers.

“International community created passivity here, a very passive atmosphere. You will find very passive politicians, governments without visions, leaders without visions and pro-

⁴⁷ Ottaway 2003, pp. 317 ff.

⁴⁸ Petritsch 2001, pp. 126 ff.

⁴⁹ Petritsch 2001, p. 125.

grams. Everybody of them is sitting and waiting for programs, ideas, laws, constitutional changes written by the international community. They are destroying one of the most important things for Bosnia—to train or to force politicians to find consensus,” Igor Radojičić (SNSD) said.⁵⁰ Passivity, however, was not limited to the politicians. Citizens waited as well for the OHR instead of organizing themselves.

Owing to the consociational character of the Dayton constitution the functioning of the political system was extremely dependent on compromises. Local politicians, however, frequently tried to avoid compromise because they believed a decision by High Representative would match their interests more than an agreement with the political rival.

The peace mission tried to democratize Bosnia and Herzegovina by undemocratic means. The citizens in Sarajevo and elsewhere were supposed to learn that political decisions should be made according to democratic principles. However, they neither chose the High Representative from several candidates nor held him accountable by their ballots. Political power should be limited and controlled by an elected opposition and the separation of powers. But there was no opposition or independent judiciary limiting the power of the High Representative. Everyone should abide by the law; the “benevolent despots” of the OHR,⁵¹ however, in fact stood above the law. An annex of the Dayton Agreement defined their mandate, but the final authority to interpret this text was vested in the OHR itself. Regarding dismissals, the Office of the High Representative was both prosecutor and judge. The Bosnians and Herzegovinians were taught the unintended lesson that in politics the crucial question was not whether a decision was made democratically, but who was in possession of the more far-reaching power. “The argument of power is stronger than the power of arguments,” Dragan Mikerević (PDP), former Prime Minister of Republika Srpska, complained.⁵² The semi-protectorate confirmed the predominant

⁵⁰ Interview, Banja Luka, 14 April 2005.

⁵¹ Knaus and Martin 2003, p. 62.

⁵² Interview, Dobož, 9 April 2005.

authoritarian beliefs and orientation, and prevented the development of a democratic political culture.⁵³

4. The fight against ethno-nationalist parties

The concept “institutionalization before liberalization” recommends banning radical parties. In fact, opposition parties, the International Crisis Group, and Richard Holbrooke, principal mediator in Dayton, frequently demanded that the ethno-nationalist Serb Democratic Party (SDS) or the Croat Democratic Community (HDZ) be prohibited. Since these parties represented a large majority of their respective people, their ban would have come close to excluding two of the three conflict parties. A smart concept of conflict resolution looks different.

The peace mission did not prohibit either the SDS, the HDZ, or the Bosniac SDA. However, from December 1997 at the latest onward, the various parts of the peace mission more and more agreed to weaken the ethno-nationalist parties. As described above, the peace mission tried to bring down their illegal power structures. Moreover, the ruling ethno-nationalist parties were subject to visa restrictions, fees, and other financial sanctions. The High Representative removed many of their representatives from elected offices, among them even members of the state presidency. Dismissals also affected the distribution of positions within a political party. These attacks concentrated on the Serb Democratic Party (SDS) and the Croat Democratic Community (HDZ). The Party of Democratic Action (SDA) was punished to a significantly lesser degree. During the mandate of High Representative Wolfgang Petritsch, the peace mission fought explicitly against these dominating ethno-nationalist parties. Petritsch criticized the ethno-nationalists as poison for the country.⁵⁴

In general, these efforts to weaken the ethno-nationalist parties delivered a partial success. Table 1 presents how many votes SDS, HDZ, and SDA won within their own ethnic groups in the elections to the House of Representatives of Bosnia and Herzegovina, one chamber of the

⁵³ On means to avoid or to lessen the unintended side-effects of a semi-protectorate: Gromes 2006.

⁵⁴ Petritsch 2001, p. 244.

state parliament.⁵⁵ The voters in the Federation of Bosnia and Herzegovina vote for 28, those in Republika Srpska for 14 seats of the House of Representatives. The cells for the Croat ethno-nationalists (HDZ) and their Bosniac counterparts (SDA) are based on the results in the Federation; the cells for the Serb Democratic Party (SDS) refers to the polls in Republika Srpska.

	1996	1998	2000	2002
<i>HDZ</i>	89	69	71	59
<i>SDA</i>	77	78	41	47
<i>SDS</i>	68	27	49	40

Table 1: Votes for HDZ, SDA, and SDS within their own ethnic group (in percent) in the elections to the House of Representatives of Bosnia and Herzegovina

Table 1 shows that the three major ethno-nationalist parties continued to win a significant share of the votes within their own ethnic groups. Nevertheless, compared to 1996, all of them clearly lost support. In relative terms, the Croat HDZ was the strongest of them, since in every election it won more than an absolute majority within its own ethnic group.⁵⁶

Table 2 gives an overview of how many seats SDA, SDS, and HDZ won in the elections to the House of Representatives of Bosnia and Herzegovina. Combined they received 36 of 42 mandates 1996, 27 in 1998, only 19 in 2000 and 20 in 2002.

	1996	1998	2000	2002
<i>HDZ</i>	8	6	5	5
<i>SDA</i>	19	17	8	10
<i>SDS</i>	9	4	6	5
<i>Together</i>	36	27	19	20

Table 2: Seats won by SDS, SDA, and HDZ in the House of Representatives of Bosnia and Herzegovina (42 seats)

⁵⁵ The elections results are available at www.izbori.ba (election commission). Tomić and Herceg 1999 provide data on the elections in 1997 and 1998.

⁵⁶ In 1998 the SDA ran as part of the Coalition for a Unified and Democratic Bosnia and Herzegovina (KCD), which also included the somewhat more moderate Bosniac ethno-nationalist Party for Bosnia and Herzegovina (SBiH), the Liberals, and the Civic Democratic Party (GDS). In 2002, the HDZ built a coalition with the very small Christian Democrats.

Minor radical ethno-nationalist parties only partly compensated for the losses of SDS, HDZ, and SDA. More moderate ethnic parties, as such the Bosniac Party for Bosnia and Herzegovina (SBiH), the (Serb) Party for Democratic Progress (PDP) or the New Croat Initiative (NHI), emerged. The multiethnic Social Democratic Party (SDP) and the (Serb) Alliance of Independent Social Democrats (SNSD), the main favorites of the peace mission, were by 2002 much stronger than in 1996.⁵⁷

The SDS was the first of the major ethno-nationalist parties to lose governmental power. After an intra-party conflict in 1997, extraordinary elections to Republika Srpska's parliament were held at the end of the same year. The SDS was deprived of its majority, and in January 1998 the social democrat Milorad Dodik, whose party SNSD had only two of 83 seats, became the new Prime Minister. The peace mission was very active in organizing a majority of representatives for the decisive vote, including politicians of the SDA and a splinter of the SDS. Only after the elections in 2000 did the SDS succeed in returning to the government of Republika Srpska. However, it would have been possible in 2000 as well as in 2002 to form a majority against the SDS and the even more ethno-nationalist Serb Radical Party (SRS). In 2006, this option was realized as the SDS' main ally, the Party of Democratic Progress (PDP), changed sides. Milorad Dodik (SNSD) became Prime Minister again.⁵⁸

In 2000, SDA and HDZ had to leave the governments at both the state level and the Federation. The Democratic Alliance for Change, a post-election coalition of ten parties led by the Social Democratic Party (SDP) and the Party for Bosnia and Herzegovina (SBiH), came into power. At the state level the Party of Independent Social Democrats (SNSD), the Party of Democratic Progress (PDP) and other parties based in Republika Srpska supported the Alliance for Change.⁵⁹ The U.S. and British ambassadors in particular encouraged the participating parties to build this alliance. In 2002, however, first and foremost due to losses of the Social Democratic

⁵⁷ In 1996, the SDP ran as part of the Unified List. The same year, the SNSD formed with other parties the pre-election coalition Alliance for Peace and Progress (SMP).

⁵⁸ OHR BiH Media Round-up, 27 January 2006, 28 February 2006, and 1 March 2006. These Media Round-ups are available at <http://www.ohr.int/ohr-dept/preso/bh-media-rep/round-ups/Login.asp>.

⁵⁹ International Crisis Group, 2 August 2002, p. 1.

Party, the HDZ and SDA re-entered the governments of the state and of the Federation. If Samuel Huntington's two-turnover test⁶⁰ is a good indicator for consolidation of democracy, Bosnia and Herzegovina belongs to the illustrious club of consolidated democracies.

High Representative Paddy Ashdown introduced a new strategy in dealing with the ethno-nationalist parties. "I will support actions and reforms, not personalities or parties. It is up to the people of BiH to choose their government," he said.⁶¹ Nevertheless, his sanctions mainly affected the SDS and HDZ.

The steady pressure on these political parties changed their form and character to a certain degree. After the defeat of the Alliance for Change in 2002, Jakob Finci, head of the Jewish Community and a leading person in civil society initiatives in Sarajevo, stated that SDS, HDZ, and SDA were not the same as they had been ten years before.⁶² By 2005, the wartime leadership, particularly in SDS and HDZ, had largely been replaced. This happened through exclusion or splits rooted in disagreement over how to deal with the peacebuilders. One prominent example was Biljana Plavšić, then president of Republika Srpska, who was excluded from the SDS in 1997 and established the Serb People's Alliance (SNS). Another spectacular case was Krešimir Zubak, then Croat member of the state presidency, who left the HDZ in 1998 and established the New Croat Initiative (NHI). Dismissals by the High Representative also changed the parties' leadership. Ante Jelavić and Dragan Čović, both Croat member of the state presidency, were removed in 2001 and 2005. In 1996, Karadžić, already indicted for war crimes, was pressured to resign as President of Republika Srpska. In 1999, his successor Nikola Poplašen [Serb Radical Party (SRS)] was sacked. In 2003, Ashdown ordered the removal of Mirko Šarović (SDS), the Serb member of the state presidency. A side-effect of these removals was that SDS, HDZ, and SDA in 2005 were clearly less leader-oriented or personalistic parties than the Social Democratic Party (SDP) under Zlatko Lagumdžija and the Alliance of Independent Social Democrats, which is mentioned on ballots as "SNSD – Milorad Dodik."

⁶⁰ Huntington 1991, pp. 266–67.

⁶¹ Ashdown 2003. On the High Representatives and their respective approach: Ducasse-Rogier 2004.

⁶² OHR BiH Media Round-up, 7–9 October 2002.

Contributing to the change of the major ethno-nationalist parties, some leaders have been or are currently on trial at the International Criminal Court for the Former Yugoslavia (ICTY); among them Biljana Plavšić; Momčilo Krajišnik, the closest associate of Radovan Karadžić; and Jadranko Prlić, formerly HDZ and Prime Minister of the Croat para-state Herceg Bosna. Borislav Bojić, president of the SDS club in the parliament of Republika Srpska, explained that currently his party is dominated by a third generation, after the first and second one had been dismissed or tried for war crimes.⁶³

At least at the level of declarations, SDS, HDZ, and SDA have changed their programs. Prior to the general elections in 2002, they assented to the reform agenda “Jobs and Justice” agreed on by the governments of the state and entities and the Peace Implementation Council.⁶⁴ Another indicator was a change toward war crimes committed by members of their own ethnic group. In July 1997, Momčilo Krajišnik, then Serb member of the state presidency, and Dragan Kalinić (both SDS), speaker of the parliament of Republika Srpska, attended the funeral of the war criminal Simo Drljaća. Krajišnik said the peace forces had killed an innocent man.⁶⁵ Seven years later, however, Dragan Čavić (SDS), president of Republika Srpska, declared Srebrenica a dark page in the Serb people’s history. In November 2004, the government of this entity confessed to the massacre and its dimension and apologized for this war crime.⁶⁶

Asked whether the three major ethno-nationalist parties have changed, Gojko Berić, columnist for the daily *Oslobođenje*, said they remained the same. “The only difference is that today they no longer use weapons but sit in the parliament wearing ties.”⁶⁷ A similar answer was given by Sejfudin Tokić, president of the Social Democratic Union (SDU): “They changed only superficially. They no longer fight with weapons, but with politics. That is the tragedy of Bosnia

⁶³ Interview with Borislav Bojić, Banja Luka, 14 April 2005.

⁶⁴ Jobs and Justice, 23 September 2002.

⁶⁵ Anastasijević and Švarn, 19 July 1997; Topić, 19 July 1997.

⁶⁶ Stanimirović, 18 November 2004.

⁶⁷ Interview with Gojko Berić, Sarajevo, 5 April 2005.

and Herzegovina.”⁶⁸ Both comments reveal a deep frustration. Unintendedly, however, they describe exactly that transformation from the battlefield to the parliamentary plenum that post-settlement peacebuilding is trying to achieve.

It would be misleading to assume that ethno-nationalism persists only due to the activities of SDS, HDZ, and SDA on the supply side of the political market. Of course, these political parties nourish ethno-nationalist orientations within their ethnic group. Nevertheless, there is a demand for such programs, which is independent from the parties’ campaigning. Moreover, not only SDS, HDZ, and SDA propagate and maintain ethno-nationalist attitudes. The religious communities in the area—the Islamic Community, the Serb Orthodox Church, and the Catholic Church—are powerful players on the supply side of ethno-nationalism, too.⁶⁹ The Catholic Bishop Conference, for instance, has stated: “We understand the need for education reform in accordance with European standards but we don’t understand and we don’t accept that reform as the instrument for extermination of a new Croat generation.”⁷⁰ By and large, the religious communities are beyond the reach of the Bonn Powers.

5. Support for moderate parties

Prior to the elections in 1996, the peace mission had an impartial stance toward the various political parties. The OSCE mission to Bosnia and Herzegovina, for instance, gave money to all registered parties, even when they were led by war criminals.⁷¹ SDS, HDZ, and SDA won these elections and tried to maintain their authoritarian rule and undemocratic power structures. SDS and HDZ obstructed the efforts to reintegrate the country and to establish functioning common institutions. Reacting to this, the peace mission changed its approach before the local elections in 1997 and provided funding only to opposition parties.

⁶⁸ Interview with Sejfidin Tokić, Sarajevo, 26 April 2005.

⁶⁹ On their role prior to and during the war: Perica 2003; Sells 1996.

⁷⁰ OHR BiH Media Round-up, 12 September 2003.

⁷¹ Du Pont 1999.

The same year, the SDS split after the entity's president, Biljana Plavšić, a notorious ethno-nationalist, accused Radovan Karadžić and Momčilo Krajišnik of corruption and obstructionism that in her view endangered the existence of Republika Srpska. The peace mission openly supported Plavšić and her more cooperative faction against their hard-line rivals. The resulting conflict was solved through the extraordinary election in Republika Srpska. In 2003, however, the International Criminal Tribunal for Former Yugoslavia sentenced Plavšić, the "moderate" of 1997, to eleven years imprisonment.

At the Peace Implementation Conference in Bonn in December 1997, in a move meant to strengthen the Social Democratic Party (SDP), the peacebuilders announced support for multi-ethnic political parties.⁷² Six months later, before the next general elections in autumn 1998, the Peace Implementation Council appealed to political parties and other organizations in its member states to support pro-Dayton and multi-ethnic parties.⁷³

Roland Paris proposed to postpone elections in order to weaken radical parties and to strengthen moderate ones. After the first elections in 1996, the peace mission in Bosnia and Herzegovina tried to reach the same goal, but through a different approach: Bosnia and Herzegovina became a world champion in elections. In 1996, 1998, and 2000, the state parliament was elected for a mandate of two years.⁷⁴ Only in the elections of 2002 was a four-year term introduced. The peacebuilders hoped that at each election the support for the ruling nationalist party would decline and multiethnic and moderate parties would win additional votes.

The peace mission succeeded in bringing moderate parties into power, but its support for these groups resulted in some unintended side-effects. The government of Prime Minister Dodik in Republika Srpska between 1998 and 2000, for instance, was notorious for corruption and nepotism and did not fulfill international expectations. Knowing that the peace mission perceived him as moderate and preferred him to any SDS government, Dodik felt free to stick to intransigent Serb demands. His reputation as the peace mission's favorite induced him to uncompro-

⁷² The conference saw "the need to support the establishment of new multi-ethnic parties and to strengthen the existing ones," Bonn Peace Implementation Conference 1997, para. VI.4.

⁷³ Peace Implementation Council: PIC Luxembourg Declaration, 9 June 1998, para. 60.

⁷⁴ Manning and Antić 2003, p. 48.

missing positions in order not to be regarded as its puppet.⁷⁵ Even after Dodik had lost power in 2000, his party frequently tried to outbid the SDS on defending Serb interests and Republika Srpska.

Arrogance, various scandals, and a loss of contact with the electorate contributed to the defeat of the Alliance for Change in 2002.⁷⁶ An employee of the OSCE mission concluded that “so much obvious support was given to Lagumdžija and the SDP and all the parties that were running the Alliance. It caused them to get so over-confident that we did not watch what they were doing. It lowered the credibility of parties of that type and strengthened the ability of the nationalist to come back.”⁷⁷

The certainty of being the internationals’ favorites consolidated undemocratic attitudes. Since his defeat, Lagumdžija, the leader of the Social Democratic Party (SDP), has frequently blamed the High Representative for helping to or even bringing SDS, HDZ, and SDA back into government.⁷⁸ Indirectly but vehemently, he criticizes the High Representative for having accepted and implemented the election results that ruled out the possibility to build the state and Federation government against all three major ethno-nationalist parties.

Despite all democracy assistance, various seminars for its members, funding and technical support, and cooperation with social democratic parties abroad the SDP does not score better in internal democracy than other political parties. Sejfudin Tokić, until 2002 one of the ten leading politicians within SDP, said that Lagumdžija alone decided on everything. Only during the decisive parliament session was Tokić informed who was nominated as the party’s candidate for the Secretary for the Treasury.⁷⁹ At the SDP congress in February 2005, Nermin Pećanac ran

⁷⁵ Cf. Bose 2002, p. 274.

⁷⁶ On the general elections in 2002: Gromes 2003.

⁷⁷ Interview with an OSCE employee, Sarajevo, 12 May 2005.

⁷⁸ OHR BiH Media Round-up, 23 September 2005.

⁷⁹ Interview with Sejfudin Tokić, Sarajevo, 26 April 2005.

against Lagumdžija for the position of the party's president but lost the election. Some weeks later, Lagumdžija dissolved the cantonal branch that supported Pećanac.⁸⁰

Not only the peace mission's favorites, but all relevant political parties are characterized by a lack of intra-party democracy.⁸¹ The political parties had to submit democratic statutes; otherwise the election commission could reject their participation in elections. These statutes, however, obviously remain rather irrelevant for the inner life of the political parties. Neither the OHR nor the election commission seemed to care about violations of intra-party democracy.

6. Experiments in integrative power-sharing

Roland Paris prefers an election system according to the ideas of integrative power-sharing.⁸² Electoral procedures such as preferential voting or alternative voting will "make moderation pay," as Donald Horowitz put it.⁸³ Candidates and political parties should depend on votes from other ethnic groups so that they see an incentive to campaign on a more moderate platform.

In 1997, the Peace Implementation Council asked the High Representative and the OSCE mission to take due account of the need to support multiethnic parties when drafting a new election law.⁸⁴ Only in 2000 the did peace mission experiment with introducing integrative power-sharing. In order to increase the chances of their favorite, Milorad Dodik (SNSD), it prescribed preferential voting for electing the president of Republika Srpska.⁸⁵ This voting system allowed

⁸⁰ Interview with Sead Avdić, for many years a high-ranking official of the SDP, now founder of the Bosnian-Herzegovinian Democrats, Sarajevo, 25 May 2005.

⁸¹ The party system is highly fragmented: what on one hand reflects institutional incentives to form a party on the other hand is a consequence of deficits in intra-party democracy.

⁸² Paris 2004, pp. 191–94. On integrative powersharing or centripetalism: Horowitz 1990; Horowitz 1993; Horowitz 2000a; Horowitz 2000b; Horowitz 2003; Reilly 2003; Reilly and Reynolds 1999.

⁸³ Horowitz 1990.

⁸⁴ Bonn Peace Implementation Conference 1997, para. VI.4.

⁸⁵ Belloni 2004, p. 342.

one not only to mark one's most favorite option but further preferences as well. The peace mission hoped that Dodik, as the more moderate of the both most promising candidates, would win second preferences of Bosniac and Croat voters.

Candidate	Party	First preferences
Mirko Šarović	SDS – Serb Democratic Party	49.8%
Milorad Dodik	SNSD – Party of Independent Social Democrats	25.7%
Momčilo Telić	PDP – Party of Democratic Progress	8.6%
Slobodan Popović	SDP – Social Democratic Party	7.8%
Zijad Mujkić	GDS – Civic Democratic Party	6.0%
Aljo Dugonjić	BOSS – Bosnian Party	2.0%

Table 3: Presidential election in Republika Srpska 2000

The first preferences for Mirko Šarović (SDS) were almost sufficient to achieve the required 50% (see Table 3). The support for Milorad Dodik on the second rank was only half as strong as Šarović's one. The election officials struck the candidate with the smallest number of first preferences, Aljo Dugonjić of the Bosniac BOSS (Bosnian Party), from the list, and distributed the further preferences of his voters to the remaining candidates. After this, Šarović, the more radical candidate, got the required share of votes.⁸⁶ Probably only Serb citizens gave their first preferences to the candidates of SDS, SNSD, or PDP. Thus, one can estimate that at least 85% of the voters were Serbs. Looking at this number, Bosniac or Croat votes would only be crucial in a close race between the two strongest Serb candidates. Otherwise, they make no difference, so there is no incentive to campaign for votes from members of other ethnic groups. Obviously, this kind of integrative power-sharing can only function under certain ethno-structural conditions. Sumantra even assumed that the preferential voting system was counter-productive because voters understood that this new procedure would support moderate candidates and weaken the ethno-nationalist ones. Reacting to this, they closed ranks behind the

⁸⁶ Bose 2002, p. 230 ff.

SDS.⁸⁷ Moreover, in contrast to the aim of integrative power-sharing, the pre-election campaign concentrated on ethno-nationalist issues.

A second experiment in integrative power-sharing also took place prior to the elections in 2000. The Provisional Election Commission, dominated by the OSCE mission, introduced new rules for delegating Croat representatives in the House of Peoples in the Federation. Until then, the members of the Cantonal Assemblies could vote only for delegates from their own ethnic group. Therefore, the ethno-nationalist Croat Democratic Community (HDZ) had controlled the selection of almost all Croat delegates to the House of Peoples. According to the new rules, all members of the Cantonal Assemblies could decide on the complete candidate list for the House of Peoples. Consequently, Bosniacs, and “Others” as well would elect the Croat delegates, so that Croat candidates depended on support by non-Croat representatives.⁸⁸ The Provisional Election Commission intended to set incentives for a more moderate behavior. The new voting procedure, however, undermined the Croat veto right in the Federation as well as at the state level⁸⁹ and hardened the already flame-raking pre-election campaign of the HDZ. Ante Jelavić, member of the state presidency and president of the HDZ, declared the Federation to be dead.⁹⁰ His party and other Croat ethno-nationalists established a parallel parliament that demanded separate Croat institutions throughout Bosnia and Herzegovina.⁹¹ For the election day, they organized a referendum on a separate entity for the Croats. Moreover, the HDZ placarded “determination or extermination.”⁹² The attempt to introduce integrative power-sharing did not reduce, but rather heightened the tensions in Bosnia and Herzegovina.

⁸⁷ Bose 2002, p. 232.

⁸⁸ Rules and Regulations 2000, Art. 1212.

⁸⁹ The House of Peoples in the Federation selected the Bosniac and Croat delegates in the state level House of Peoples.

⁹⁰ OHR BiH TV News Summary, 29 October 2000.

⁹¹ Croat National Congress: Declaration of the Rights and the Position of the Croat nation in B-H, Novi Travnik, 28 October 2000, <http://www.hns-bih.org/declaration.htm> (sic!).

⁹² Bieber 2001; Kasch 2002.

7. Control of hate speech

The sixth element of Paris' concept of "institutionalization before liberalization" recommends punishing hate speech media and supporting alternative newspapers, radio or TV stations.⁹³

According to a former member of the OHR, the peace mission regarded the media situation as an important obstacle to peacebuilding and tried to reduce the ethno-nationalist parties' influence over the media as far as possible.⁹⁴ Even before establishing the semi-protectorate, the peace mission supported and established alternative media and fought against radical radio and TV stations. In total, the peace mission invested about US\$100 million in media development.⁹⁵

In 1998, the High Representative established the Independent Media Commission, which developed a code of conduct and distributed licenses to TV and radio stations. According to the code of conduct, the media had to report in a fair and precise manner that did not inflame hatred against other ethnic groups or religions. In the case of non-compliance with its regulations, the Independent Media Commission as well as its successor organizations were entitled to demand public apologies, to impose fees, to suspend and annul the license, and even to seize equipment.⁹⁶ Although it had a broader mandate, the Independent Media Commission concentrated on supervising only the electronic media. The press regulated itself through a Press Council that did not possess the power to enforce sanctions.⁹⁷

These efforts to restructure the electronic media were a success. The ethno-nationalist parties lost their dominance over radio and TV stations. In a ranking by the Reporters without Frontiers on freedom of the media in 2005, Bosnia and Herzegovina was better placed than the

⁹³ Paris 2004, p. 196–98.

⁹⁴ Pech 1999/2000, pp. 4 ff.

⁹⁵ Jelačić, Sunje, and Alić 2006.

⁹⁶ High Representative: Decision on the establishment of the Independent Media Commission, 11 June 1998, http://www.ohr.int/print/?content_id=95; Pech 1999/2000, p. 14.

⁹⁷ Čamo and Udovičić 2005.

United States.⁹⁸ The reporting of these media changed dramatically. Even critical observers certified that in 2005 the big electronic media presented a program that was much fairer and more balanced than eight or ten years before.⁹⁹ Hate speech and radical propaganda have been contained. In June 2005, even Serb TV stations broadcast a video showing the execution of Bosniac boys and men by Serb militias. This seemed to be impossible some years earlier.¹⁰⁰ The press working under self-regulation, however, was characterized by frequent “press wars” and dirty campaigning.¹⁰¹

While the Independent Media Commission could punish hate speech in the media, the Election Commission possessed the mandate to sanction political parties for inflammatory statements. For instance, four days before the election in 2000, the HDZ was forbidden to use the slogan “determination or extermination.”¹⁰² Just as hate speech has been contained in the electronic media, political parties have more and more refrained from inflammatory statements.

8. The state of democracy and self-sustaining peace in Bosnia and Herzegovina

Roland Paris’ concept of “institutionalization before liberalization” and the peace mission in Bosnia and Herzegovina from 1997 onwards shared the goal of containing the potential perils of post-war democratization. Nevertheless, the peace mission did not implement all of Paris’ recommendations. As Table 4 sums up, the peacebuilders took to heart three proposals (weaken radical actors, support moderate ones, control hate speech) completely or to a large extent. The semi-protectorate was at least a partly implementation of the advice to install an international administration. In accord with Paris, the peace mission tested elements of integrative power-sharing in 2000. Proportional voting, however, was predominant. The only recommendation by Paris the peace mission ignored was to avoid early elections.

⁹⁸ Udovičić 2006.

⁹⁹ Interview with Tanja Topić, Friedrich Ebert Foundation, Banja Luka, 13 April 2005.

¹⁰⁰ Interview with Milorad Živković (SNSD), member of the state level House of Representatives, Sarajevo, 2 June 2005.

¹⁰¹ Udovičić 2005.

¹⁰² OHR BiH TV News Summary, 7 November 2000.

Institutionalization before liberalization	The peace mission in Bosnia and Herzegovina
Postpone elections until opinion polls show that moderate parties are stronger than radical ones.	Early elections not avoided, first post-war elections in September 1996. Later frequent elections and support for multiethnic and moderate parties as compensation.
Electoral system that makes moderation pay (integrative power-sharing).	In general proportional vote. 2000 experiments in integrative power-sharing (preferential vote for the presidency of Republika Srpska, new procedure for electing delegates of the Federation's House of Peoples), Both experiments increased tensions.
International administration.	Since December 1997 semi-protectorate, High Representative can dismiss politicians and impose laws.
Peacebuilders weaken radical actors.	Since 1997 attacks on the illegal power structures of SDS, HDZ, and SDA. Reform of police, armed forces, secret services, judiciary, media, civil service, and payment system. Dismissals and financial sanctions.
Peacebuilders support moderate actors.	Since 1997 preferential treatment during pre-election campaigns. Frequent elections and proportional vote with low thresholds. Coalition-building. Interventions in conflicts on the side of the more moderate actors.
Control of hate speech.	Election commission sanctioned political parties and individual politicians. Media commissions reduced inflammatory speech in electronic media, but Press Council less effective.

Table 4: Implementation of the concept “institutionalization before liberalization” in Bosnia and Herzegovina

The previous sections have revealed successes and problems of the respective tools of peacebuilding through democratization in Bosnia and Herzegovina. The concluding paragraphs will discuss how far democratization and creating a self-sustaining peace have been progressed until 2005/2006.

Without being a democracy Bosnia and Herzegovina in 2005/2006 is much more democratic than it was seven or ten years before. The illegal and undemocratic power structures of SDS, HDZ, and SDA have been drastically reduced. The ethno-nationalists have lost their dominant role in the media sector, and hate speech has been contained, particularly on radio and tele-

vision. The police still do not function according to the criteria of the rule of law and the separation of power. However, police forces no longer belong to the main perpetrators of attacks on minorities or opposition groups.¹⁰³ Freedom of movement has been improved dramatically. People can freely establish political parties or other organizations. The pre-electoral campaigns in 2002 and 2004 (local elections) took place in a less violent atmosphere than in 1996 or 1998. As Davor Vuletić, member of the SDP main board, said, in 1996 SDP activists even in relatively tolerant Sarajevo only dared to paste posters in small and armed groups.¹⁰⁴ In 2002, however, the political parties did not complain of a violent atmosphere during the pre-election campaign. At the state and entity level two peaceful turnovers of power have taken place after elections.

Despite all change for the better, Bosnia and Herzegovina 2005/2006 cannot be classified as democracy. Democracy implies self-determination; Bosnia and Herzegovina has to be characterized as a semi-protectorate in which elected parliaments and governments were subordinated to the High Representative.

At the end of 2005, peacebuilding in Bosnia and Herzegovina was neither a full failure nor successfully completed. On one hand, a relapse into war could be prevented. On the other hand, the peace mission has not departed, thereby making it impossible to detect a self-sustaining peace. Notwithstanding, one can approximate the degree of conflict transformation by analyzing changes in the object of the conflict, in dealing with the conflict, and in the conflicting parties.

In 2005/2006, political conflict in Bosnia and Herzegovina still concentrated on the question of how the state should be organized. This struggle, however, has shifted more and more from arenas outside the Dayton structures to its common institutions. Many Serbs and Croats still preferred secession or unification with Croatia or Serbia, but they recognized increasingly that there was no realistic alternative to the common state of Bosnia and Herzegovina.

Although reliable and precise data are not available, it would be correct to say that politically motivated violence has declined. This development is reflected in the reports of the Hel-

¹⁰³ According to a UN report, in 1996–97 the police committed 70% of all human rights violations: United States General Accounting Office 1997, p. 40.

¹⁰⁴ Interview with Davor Vuletić, Sarajevo, 20 April 2005.

sinki Committee for Human Rights in Bosnia and Herzegovina.¹⁰⁵ Their focus has shifted from violations of basic rights to precarious social rights or rights of vulnerable groups.¹⁰⁶ The last major outbreak of politically motivated violence happened in May 2001 when Serb extremists prevented the reconstruction of mosques. Then, the peace mission had to urge Serb politicians to condemn the violence. After minor incidents in the following years, however, Serb leaders condemned violent actions without such a request.

Another indicator of a more stable situation is that the citizens have more confidence that peace will last, if the peacekeeping forces leave. According to opinion polls by the University of Sarajevo in April 1996, more than half of the citizens believed that a new war would break out without the Implementation Force.¹⁰⁷ Reports by the Early Warning System of the United Nations Development Programme (UNDP) in Bosnia and Herzegovina reveal that this fear declined over time in areas with a Bosniac or Croat majority.¹⁰⁸ In May 2000, 48% in predominant Bosniac areas worried about a new war without the peacekeeping forces; at the end of 2002 it was still 39%, but in December 2005 only 19%. In Croat areas, 33% believed in a new war in May 2000, 18% at the end of 2002, and 15% in December 2005. In regions with a Serb majority the fear was lowest in the second half of 2004, but almost reached its initial value of 2000 at the end of 2005.

The former warring parties did not disappear into new groups that were not defined ethnically. The conflict among Bosniacs, Serbs, and Croats has remained dominant, but has been reduced in its polarizing effect. A drastically decreased voter turn-out showed frustration and apathy, but, as well, a decline of the ethnic conflict in its power to mobilize. The pressure on the ethnic groups to secure internal cohesion was lessened, which was indicated by a very fragmented party system and electoral defeats of SDS, HDZ, and SDA. These three protagonists of wartime no longer acted with weapons, but sat in the parliaments wearing ties, as Gojko Berić

¹⁰⁵ <http://www.bh-hchr.org>.

¹⁰⁶ Interview with Muhamed Braco Džemidžić, Helsinki Committee for Human Rights Bosnia and Herzegovina, Sarajevo, 13 May 2005.

¹⁰⁷ Bakšić 1996, p. 18.

¹⁰⁸ These reports are available at: <http://www.undp.ba>.

said. The leaderships of SDS, HDZ, and SDA were replaced, due to the dismissals by the High Representative. Programmatic changes of these parties were demonstrated by an increased acceptance of the common state as well by the stated goal that Bosnia and Herzegovina should join the European Union.

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I report only the position or function the interviewee held at the time of the interview.

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Abbreviations

BiH /BH	Bosna i Hercegovina – Bosnia and Herzegovina
BOSS	Bosanska Stranka – Bosnian Party
EU	European Union
EUFOR	European Union Force in Bosnia and Herzegovina
EUPM	European Union Police Mission in Bosnia and Herzegovina
GDS	Građanska Demokratska Stranka – Civic Democratic Party
HDZ	Hrvatska Demokratska Zajednica – Croat Democratic Community
ICTY	International Criminal Court for the Former Yugoslavia
IDC	Istraživačko Dokumentacioni Centar – Research and Documentation Center
IFOR	Implementation Force
KCD	Koalicija za cjelovitu i demokratsku Bosnu i Hercegovinu – Coalition for a Unified and Democratic Bosnia and Herzegovina (SDA, SBiH, Liberals, GDS)
KM	Konvertibilna Marka – Convertible Mark (1 KM = 1 DM = 0,5 €)
NATO	North Atlantic Treaty Organization
NHI	Nova Hrvatska Inicijativa – New Croat Initiative
OHR	Office of the High Representative
OSCE	Organization for Security and Cooperation in Europe
PDP	Partija Demokratskog Progresa – Party of Democratic Progress
RS	Republika Srpska – Serb Republic
SBiH	Stranka za Bosnu i Hercegovinu – Party for Bosnia and Herzegovina
SDA	Stranka Demokratske Akcije – Party of Democratic Action

SDP	Socijaldemokratska Partija – Social Democratic Party
SDS	Srpska Demokratska Stranka – Serb Democratic Party
SDU	Socijaldemokratska Unija – Social Democratic Union
SMP	Savez za mir i progres – Alliance for Peace and Progress
SNS	Srpski Narodni Savez – Serb People’s Alliance
SNSD	until May 2002 Stranka Nezavisnih Socijaldemokrata – Party of Independent Social Democrats, since then Savez Nezavisnih Socijaldemokrata – Alliance of Independent Social Democrats
SRS	Srpska Radikalna Stranka – Serb Radical Party
UNDP	United Nations Development Programme