

Division and Democracy: Bosnia's Post-Dayton Elections

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In mid-1995, the Muslim inhabitants of the eastern Bosnian town of Srebrenica became the victims of one of the worst massacres in Europe since the Second World War. After having laid siege to the enclave for more than two years, the Bosnian Serb army finally overran Srebrenica – a so-called United Nations ‘safe area’ – in July of 1995. Serb forces, under the command of indicted war crimes suspect General Ratko Mladic, were undeterred by the small contingent of Dutch UN peacekeepers in Srebrenica, who became helpless bystanders as upwards of 7,000 Muslim men were killed, while the remainder of the town’s inhabitants were sent fleeing westward.

While the tragic fate of Srebrenica will long be remembered as one of the most humiliating failures in the history of UN peacekeeping, the town remains a vivid symbol of the daunting obstacles facing those attempting to bring peace and democracy to post-war Bosnia. In September 1997, the same Muslim women whose husbands, brothers and sons now lie in mass graves around Srebrenica helped elect a Muslim majority to the town’s new municipal assembly. While virtually every current resident of Srebrenica at the time was a Serb, Muslim candidates were elected to 25 of 45 seats in the new assembly on the strength of absentee ballots from former residents who remained in exile abroad or in Muslim-controlled areas of Bosnia.¹ Predictably, in the aftermath of the elections Srebrenica’s municipal government remained in a state of paralysis – a symbol of ongoing ethnic intransigence rather than a beachhead to inter-ethnic reconciliation and reintegration – since few Muslims dared venture back into what was now Bosnian Serb territory. As one Serb politician in Srebrenica told *Agence France Presse* prior to the elections: “I don’t think it would be possible for any Muslims to sit on the municipal councils. The first night they come back, it means fighting.”²

Srebrenica’s confused political situation is broadly indicative of the awkward political arithmetic – three mutually-antagonistic ethnic groups, two entities, one country – that has characterized Bosnia’s post-war political climate. By early 1998, more than two years after the Dayton Peace Accords brought the civil war to an end, Bosnia’s Serb, Croat, and Muslim³ inhabitants were still driving cars with different licence plates, using different currencies, and

¹Ian Traynor, “Bosnia Muslims win revenge”, *The Guardian Weekly*, October 19, 1997, p. 3.

²Cited in *This Week in Bosnia*, September 24, 1997. (Internet version: <http://world.std.com/~slm/twib0924.html>).

³The term ‘Bosniac’ has also been used to describe Bosnia’s Muslim population. The two terms will be used interchangeably in this paper.

arguing bitterly over the look of the new national flag. The fact that these issues were ultimately resolved not by Bosnia's political leadership but by the International High Representative to Bosnia, Carlos Westendorp, who imposed solutions with the help of strengthened powers given to him by an increasingly exasperated international community, only underlines the ongoing insecurity and fragility of Bosnian statehood. Similarly, few of the more than two million Bosnians uprooted by the war have been able to return to their pre-war homes, and many of those who have attempted to return have been greeted with hostility or violence. Thus, while the war may have been brought to an end, Bosnians have yet to achieve genuine peace.

National and local elections were to be the centrepiece of the Bosnian peacebuilding process which began with the Dayton peace agreement, forged at an abandoned airforce base in the American midwest in November 1995 and signed in Paris a month later. Combined with economic reconstruction and the calming presence of heavily-armed NATO peacekeepers, elections were widely seen as the vehicle through which Bosnians of all ethnicities would begin to put the fear and hatred of civil war behind them and start to rebuild their country. Unfortunately, events have shown that the early optimism of Dayton was misplaced. Rather than promoting ethnic reconciliation and political reconstruction, Bosnia's post-Dayton elections have further divided an already deeply-riven society, entrenched the power of Bosnia's ruling nationalists, and solidified ethnicity as the sole criteria of social organization in post-conflict Bosnia.

This paper will examine the three rounds of country-wide elections that have taken place in Bosnia in the first three years of Bosnia's post-Dayton existence. It will suggest that given the poisoned political climate, as well as the absence of fundamental democratic institutions such as a free press and a dynamic civil society, it was entirely predictable that the real victors of Bosnia's post-war democratic experiment would be the nationalists of all three sides. This result is also in large part the product of the flawed compromise at the heart of the Dayton peace agreement, which left the central issue of the Bosnian conflict unresolved, thereby guaranteeing that the central issues over which the war was fought would continue to be played out at the level of the ballot box.

By the autumn of 1999, with the fourth anniversary of the Dayton Peace Agreement approaching, Bosnia remained suspended between partition and unity, and between war and peace. And despite recent encouraging signs of progress, it remained far from clear whether history will remember Bosnia's Dayton days as a half-time intermission in the country's civil war, or as a

historical turning-point which, despite its difficulties, laid the foundations for a lasting and democratic peace.

Theoretical Perspectives on Nationalism and Democracy

In the turbulent years of the late 1980s and early 1990s, as the former republics of the Soviet Union and the states of Eastern Europe struggled to reorganize themselves in the aftermath of the sudden collapse of communism, two phenomena in particular emerged to fill the vacuum left by the dramatic implosion of the communist order. On the one hand, nascent institutions of democracy began to emerge, as populations of the former communist states were finally given a voice in choosing their own leaders. On the other hand, nationalism quickly asserted itself (in some cases reasserted itself) as a formidable political force and a powerful instrument of popular mobilization.⁴

Many scholars have viewed the resurgence of nationalism in Eastern Europe in negative terms, often describing the region's resurgent ethnic nationalism as an irrational return to a pre-modern and insular 'tribalism' of an inevitably anti-democratic and violent nature. As *The Economist* once put it: "The virus of tribalism . . . risks becoming the AIDS of international politics – lying dormant for years, then flaring up to destroy countries."⁵

Writing in the immediate aftermath of the communist collapse, however, the Georgian political philosopher Ghia Nodia argued that far from being mutually-incompatible, nationalism and democracy "are joined in a sort of complicated marriage, unable to live without the other, but co-existing in an almost permanent state of tension."⁶ Nodia's central argument is that throughout modern history, nationalism has been central to defining the social and territorial boundaries of political communities. The idea of self-determination has always been a problematic notion within international relations, largely because no natural or objective criteria exist by which to determine

⁴This process, in fact, had begun somewhat earlier in Yugoslavia. By 1990, a decade after the death of Tito, the combination of nationalism and electoral politics was already placing significant strains on the Yugoslav federation.

⁵Cited in John F. Stack, Jr., "The Ethnic Challenge to International Relations Theory", in David Carment and Patrick James, (eds.), *Wars in the Midst of Peace: The International Politics of Ethnic Conflict*. (Pittsburgh: University of Pittsburgh Press, 1997), p. 11.

⁶Ghia Nodia, "Nationalism and Democracy", in Larry Diamond and Marc F. Plattner (eds.), *Nationalism, Ethnic Conflict, and Democracy* (Baltimore: The Johns Hopkins University Press, 1994), p. 4.

the precise social and political boundaries of self-governing entities. Such boundaries are always historically contingent, the product of either conscious political effort or violent military struggle in which nationalism has played a primary role. As Nodia stressed, “whether we like it or not, nationalism is the historical force that has provided the political units for democratic government . . . the political cohesion necessary for democracy cannot be achieved without the people determining themselves to be ‘the nation’.”⁷ Democracy, in this sense, only becomes possible once the rules of the game have been established and when the community of players and the limits of the playing field have been determined.

Writing in *The Atlantic Monthly*, Robert Kaplan has made a similar case that democracy can only emerge after a state has been firmly established, and that efforts to create states through democratic means are doomed to failure. States, he suggests, have never been formed by elections, but rather by geography and the complex and often violent interactions of ethnicity. The evolution to democracy, he argues, comes only after additional social and economic achievements, such as the emergence of a stable middle class and effective bureaucratic institutions. As Kaplan suggests, “because democracy neither forms states nor strengthens them initially, multi-party systems are best suited to nations that already have efficient bureaucracies and a middle class that pays income tax, and where primary issues such as borders and power-sharing have already been resolved, leaving politicians free to bicker about the budget and other secondary matters.”⁸

Ultimately, both Kaplan’s and Nodia’s arguments come down to the contention that a critical pre-condition for democracy is a widely-accepted sense of ‘political community’. As David Welch has argued, the notion of a political community implies the existence within a state of “an inclusive code of political understanding, a shared political culture, commonly respected symbols of statehood, and, most critical, a shared view that the outcomes of the political processes (most notably, elections) are legitimate.”⁹ In other words, if democracy is to succeed, the ties that bind a political community together must be stronger than the divisions pulling it apart.

⁷*Ibid.*, pp. 7-8.

⁸Robert Kaplan, “Was Democracy Just a Moment?”, *The Atlantic Monthly*, vol. 280, no. 6 (December 1997), pp. 60-61.

⁹David Welch, “Domestic Politics and Ethnic Conflict”, in Michael E. Brown (ed.), *Ethnic Conflict and International Security* (Princeton: Princeton University Press, 1993), p. 53.

However, if a certain cohesive dose of nationalism is necessary to foster a sense of political community, and to define not only the ‘demos’ but also the territorial limits and political arrangements of a democratic state, on another level the idea of nationalism is fundamentally at odds with the principles of liberal democracy. As an ideal-type, liberal democracy combines the principle of popular sovereignty with the privileging of individual human freedom as the foremost political value and the assertion of universal and equal individual rights.¹⁰ This is encapsulated in the phrase ‘one person, one vote’, which implies a fundamental equality of all individuals within the democratic arena. However, while liberalism emphasizes the individual, nationalism focuses on collective claims rooted in culture, ethnicity or other unique ‘national’ characteristics. And where liberalism privileges individual freedom and choice, ethnic or national identities are not chosen but inherited. One cannot choose to be a Serb or a Croat, for example, in the same way that one can choose to become a socialist, a democrat, or even a Catholic.

As ascriptive categories, national and ethnic identities almost invariably imply certain social hierarchies. As Francis Fukuyama has suggested, “if . . . liberalism is about the universal and equal recognition of every citizen’s dignity as an autonomous human being, then the introduction of a national principle necessarily introduces distinctions between people.”¹¹ Thus, the Croatian constitution of 1990 declared the Republic of Croatia to be “established as a national state of the Croat nation and the state of members of other nations and minorities.”¹² Such wording, which is echoed in the constitutions of other former Yugoslav republics, treats the state as belonging to a specific nation, and relegates minorities to second-class status as ‘historical guests.’¹³

The relatively fixed nature of ethnic identities also heightens the relevance of the democratic notion of majority rule, and the accompanying problematic of the ‘tyranny of the majority.’ In democratic systems with cross-cutting or shifting social and political cleavages, electoral defeat still leaves open the possibility of forging new political coalitions that may carry the day next time. In

¹⁰Nodia, *op.cit.*, p. 9; Francis Fukuyama, “Comments on Nationalism and Democracy”, in Diamond and Plattner, *op.cit.*, p. 24.

¹¹Fukuyama, *op.cit.*, p. 24.

¹²Cited in Zoran Pajic, “Bosnia-Hercegovina: From Multiethnic Coexistence to ‘Apartheid’ ... and Back”, in Payam Akhavan and Robert Howse (eds.), *Yugoslavia: The Former and Future: Reflections by Scholars from the Region* (Geneva: UN Research Institute for Social Development, 1995), p. 160.

¹³*Ibid.*, p. 162.

societies that are deeply divided along ethnic lines, however, demographics are all-important, since minority status may result in permanent exclusion from political power. As Donald Horowitz has written:

Democracy is about inclusion and exclusion, about access to power, about the privileges that go with inclusion and the penalties that accompany exclusion. In severely divided societies, ethnic identity provides clear lines to determine who will be included and who will be excluded. Since the lines appear unalterable, being in and being out may quickly come to look permanent.¹⁴

In ethnically-diverse states, ironically, the transition to democratic forms of governance magnifies the political relevance of ethnic difference. As political parties organize themselves for electoral competition for the first time, ethnic identity provides “a convenient core of symbols upon which to mobilize supporters for the competition.”¹⁵ The presence of enduring and mutually-exclusive ethnic identities tends to override other potential sources of political cleavage in newly democratizing states, not least because, as Horowitz has noted, “ethnic affiliations provide a sense of security in a divided society, as well as a source of trust, certainty, reciprocal help, and protection against neglect of one’s interests by strangers.”¹⁶

Of course, minority fears of permanent majority rule are heightened to extreme levels in states emerging from beneath the wreckage of civil war. In post-conflict Bosnia, Serbs, Muslims, and Croats alike are justifiably anxious about living as minorities in areas dominated by another ethnic group. Consequently, “‘majoritization’ has become the defining principle of social organization in post-Dayton Bosnia, as the ruling parties of each camp to greater or lesser degrees endeavor to concentrate their own communities geographically.”¹⁷

The challenges of making democracy work in ethnically-diverse societies have long been recognized by political scholars, and there exists a significant body of literature which explores potential institutional mechanisms through which to reduce or alleviate the inherent tensions between nationalism and democracy. One of the foremost theorists of democracy and ethnic

¹⁴Donald Horowitz, “Democracy in Divided Societies”, *Journal of Democracy*, vol. 4, no. 4 (October 1993), p. 18.

¹⁵Vicki Hesli, “Political Institutions and Democratic Governance”, in Robert D. Grey (ed.), *Democratic Theory and Post-Communist Change* (Upper Saddle River, NJ: Prentice Hall, 1997), p. 202.

¹⁶Horowitz, *op.cit.*, p. 32.

¹⁷James Schear, “Bosnia’s Post-Dayton Traumas”, *Foreign Policy*, No. 104 (Fall 1996), p. 88.

accommodation is Arend Lijphart, whose ideas on power-sharing or ‘consociational democracy’ have gained widespread prominence. Given the durability of ethnicity as a social category and the subsequent futility of attempting to eliminate ethnic groups by forging them into a homogeneous nation, Lijphart has suggested that “the only solutions to the problems of ethnic division or strife that remain are power-sharing and partition or secession.”¹⁸ While he argues that partition should never be rejected outright in cases of chronic ethnic conflict, the considerable disadvantages of partition should always render it the solution of last resort. As the seemingly endless map-making exercises of the Bosnian peace negotiations demonstrate, the complex ethnic intermingling that is characteristic of most states makes it virtually impossible to draw clean and just territorial boundaries between ethnic groups.¹⁹ As a result, large-scale population exchanges – with tremendous costs in both human and economic terms – are usually the inevitable consequence of partition. Given the difficulty of arriving at mutually-acceptable and humane terms of partition, Lijphart argues that “it is almost always better to accommodate political influence and groups in the same state with proper guarantees of political influence and autonomy – the power-sharing approach – than to assign them to separate territorial states.”²⁰

Lijphart’s power-sharing approach includes four central characteristics. The first and most critical is the joint exercise of power by relevant groups, particularly at the executive level, in order to ensure that no significant group is completely excluded from power. The constitution of Belgium, which decrees that the Belgian cabinet must comprise an equal number of Dutch-speakers and French-speakers, provides one example of executive power-sharing.²¹ Ensuring that all relevant groups have at least some executive power avoids the dangers of winner-take-all elections, where the losers have little incentive to accept peacefully the election results.

¹⁸Arend Lijphart, “The Power-Sharing Approach”, in Joseph V. Montville (ed.), *Conflict and Peacemaking in Multiethnic Societies* (Lexington: Lexington Books, 1990), p. 493.

¹⁹The cartographic gymnastics of the Bosnian peace negotiations, in fact, often verged on the absurd. As the American journalist Peter Maass described part of one doomed plan: “The ‘Muslim-majority republic,’ as it was called, would cover 30 per cent of the country, and be divided into four parcels of land, connected to one another by tunnels, elevated roads and bridges running under, or over, huge stretches of territory belonging to the Serbs and Croats. Please do not laugh. I possess a series of official maps outlining the path of these projects.” Peter Maass, *Love Thy Neighbor: A Story of War* (New York: Alfred A. Knopf, 1996), p. 256.

²⁰Lijphart, *op.cit.*, p. 494. For a more detailed examination of the history of partition, see Radha Kumar, “The Troubled History of Partition”, *Foreign Affairs*, vol. 76, no. 1 (January/February 1997), pp. 22-34.

²¹Lijphart, *op.cit.*, p. 495.

Group autonomy is the second major pillar of the power-sharing approach, and rests on the principle that “on all issues of common concern, decisions should be made jointly by the different groups or their representatives; on all other issues, decisions should be left to be made by and for each separate group.”²² Federalism is the most common institutional embodiment of this principle, particularly in cases where major groups are territorially concentrated. Lijphart’s third criteria is proportionality, according to which political appointments, public funds, and political representation should be divided among major groups according to their share of the overall population. At the level of elections, for example, this principle suggests that proportional representation electoral systems are superior to plurality or ‘first-past-the-post’ systems, which tend to produce unproportional results. The minority veto is the final characteristic of the power-sharing approach. Even if a minority is included within a power-sharing government, it could still be outvoted on all major issues; the minority veto is therefore “the ultimate weapon that minorities need to protect their vital interests.”²³

As a means of ensuring that the interests of all relevant groups are protected within the principles of democratic majority rule, the power-sharing approach is not without its weaknesses. By institutionalizing principles of group representation within democratic systems, power-sharing can implicitly reinforce the very cleavages it seeks to accommodate. There exists a very real danger, for example, that decentralized political arrangements will accelerate centrifugal forces within a state, with newly-autonomous groups viewing their autonomy as merely a stepping stone to outright independence. Lijphart is correct to argue that in cases where there is no correspondence between the nation and the state, ethnic identity cannot simply be re-engineered to produce such a correspondence. At the same time, however, any power-sharing solution must balance the benefits of decentralization and group autonomy with the need to produce and continually reproduce a shared sense of ‘political community’ which legitimizes the ongoing existence of the state. As Donald Horowitz has suggested, devolution can help avert separatism, but only when combined with policies that give the relevant groups a strong stake in the centre.²⁴

²²*Ibid.*, p. 494.

²³*Ibid.*, p. 495.

²⁴Horowitz, *op.cit.*, p. 36.

At the same time, the power-sharing approach can be a recipe for political paralysis, particularly in cases involving a history of animosity among the groups sharing power. Lijphart himself acknowledges the possibility that the overuse or abuse of the minority veto power, for example, could undermine the entire power-sharing system. Certainly, the dangers of power-sharing paralysis are heightened in post-conflict contexts, where former enemies are often expected to collaborate amicably at the executive level. Bosnia's post-war tripartite presidency, for example, comprising representatives of each of Bosnia's three main ethnic groups, exemplifies the potential for power-sharing to lead to deadlock and acrimony.

Clearly, institutional arrangements in and of themselves are insufficient to resolve the inherent tensions between democracy and ethnicity. Political actors themselves are also critical, since power-sharing cannot work in the absence of a moderate and tolerant political leadership willing to make it work. Scholars such as Donald Horowitz, therefore, have suggested that in severely divided societies, the creation of formal institutional mechanisms of governance is often less critical than "the lifesaving goal of making interethnic moderation rewarding."²⁵

Constitutional prescriptions aimed at promoting interethnic accommodation – such as institutionalizing minority vetoes or forbidding parties to make ethnic appeals – have largely failed in practice, suggests Horowitz, because they do not take into account the reality that most politicians place their own self-interest above all. Since political leaders will pursue conflict over accommodation if they perceive such a strategy to be in their interests, Horowitz suggests that the key to interethnic accommodation within democratic systems is "to secure the adoption of electoral and governmental structures that give politicians incentives to behave in one way rather than another."²⁶ In other words, political systems should be structured in ways that reward moderation and discourage extremism and intolerance.

While creating conflict-reducing political systems may require a broad range of strategies, including provisions for federalism, regional autonomy, or minority vetoes, the centrepiece of any such system is an electoral system that promotes interethnic cooperation. As Horowitz has noted, the most reliable way to make political moderation pay, under conditions of democratic elections,

²⁵*Ibid.*, p. 36.

²⁶*Ibid.*, p. 35.

“is to make politicians reciprocally dependent on the votes of members of groups other than their own.”²⁷ The most commonly-cited example of this principle in practice is the short-lived Second Nigerian Republic, which existed from 1979 to 1983. In an effort to temper the destabilizing ethnic tensions within Nigerian society, the republic’s constitution required political parties to establish branches in a majority of Nigeria’s states, while requiring the victorious presidential candidate to garner at least 25 per cent of the vote in at least two-thirds of Nigerian states.²⁸ Such provisions were designed to ensure that both parties and presidential candidates could not achieve electoral success solely through narrow ethnic appeals, but rather had to attract supporters across ethnic groups. Despite the ultimate collapse of the republic and the ongoing failure of Nigerian democracy, Horowitz has argued that by forcing politicians to moderate their messages to attract interethnic support, Nigeria’s constitutional provisions succeeded not in transcending ethnic differences, but in reducing the likelihood that interethnic conflict would tear the country apart.²⁹

Comparable electoral solutions have been proposed as a means of encouraging interethnic reconciliation in post-war Bosnia. However, the ongoing dominance of political forces within Bosnia whose own interests would be undermined by such reconciliation has blocked the implementation of such strategies. Rather than searching for electoral solutions that balance the interests of all of Bosnia’s ethnic groups within the context of democratic political institutions, Bosnia’s political elites have used elections as a means of advancing their wartime objectives through non-military means. As Susan Woodward has pointed out, the Dayton agreement is more of a ceasefire than a political settlement, and consequently, each side in the Bosnian conflict “is still fighting the war for statehood; only their means of securing territory and national survival have changed.”³⁰ In Bosnia, therefore, nationalism and democracy are indeed joined in a complicated marriage, and ensuring that democratic institutions do not become simply vehicles through which virulent and intolerant nationalisms are perpetuated and legitimated remains one of the key challenges facing Bosnia’s would-be peacebuilders.

²⁷Donald Horowitz, “Making Moderation Pay”, in Montville, *op.cit.*, p. 471.

²⁸Milton J. Esman, *Ethnic Politics* (Ithaca: Cornell University Press, 1994), p. 44.

²⁹Horowitz, “Making Moderation Pay”, *op.cit.*, p. 457.

³⁰Susan Woodward, “Foreign Policy Challenges: Bosnia”, *The Brookings Review*, vol. 15, no. 2 (Spring 1997), p. 29.

Elections and Peacebuilding in Bosnia

The Dayton Dilemma

One of the central reasons for the ongoing peacebuilding impasse within Bosnia is the failure of the Dayton Accords to settle the central issue over which the war was fought: would Bosnia remain a united, multiethnic country or would it be partitioned along ethnic lines? As Chester Crocker and Fen Osler Hampson have argued, “Dayton created the outlines of a political transition toward an ultimate political settlement, but the nature of that settlement remains ambiguous in the extreme.”³¹ Indeed, the very ambiguity of the Dayton deal was the key to securing the agreement of the three warring sides in the first place. Dayton meant, and continues to mean, fundamentally different things to the different parties. For Bosnia’s Muslims, Dayton upheld, and promised to protect with international military force, the ideal of a single, united Bosnia. For the Bosnian Serbs, represented in Dayton by Serbian President Slobodan Milosevic, Dayton legitimized the ethnically-pure Serb entity that had been created through force over more than three years of war.³² At the same time, Dayton left Bosnia’s Croats in control of much of Western Bosnia, and therefore strategically well-placed for an eventual territorial union with Croatia proper should the reconstituted Bosnian state ultimately collapse.

The agreement that emerged from Dayton represented a delicate and uneasy balance between maintaining a single, unified Bosnia and carving the country up into ethnically-defined statelets. The result was a single Bosnia which maintained its pre-war borders but which was divided into two relatively autonomous ‘entities’. Under Bosnia’s new post-Dayton architecture, 51 per cent of Bosnian territory would be governed by the fractious Muslim-Croat *Federation of Bosnia and Herzegovina*, with the other 49 percent – the entity of *Republika Srpska* – under the control of Bosnia’s Serbs. In order to keep the peace along the 1,000-kilometre inter-entity boundary line (IEBL) dividing Bosnia’s two halves, Dayton also authorized the creation of a 60,000-strong NATO peacekeeping force.

³¹Chester Crocker and Fen Osler Hampson, “Making Peace Settlements Work”, *Foreign Policy*, No. 104 (Fall 1996), p. 60.

³²Janusz Bugajski, “Policy Forum: Bosnia - After the Troops Leave”, *Washington Quarterly*, vol. 19, no. 3 (Summer 1996), p. 61.

The political institutions created at Dayton also reflect the agreement's creative ambiguity between unity and partition. A three-member collective presidency for all of Bosnia – comprised of one representative elected from each of Bosnia's Muslim, Serb, and Croat communities – was established, along with a bicameral Parliamentary Assembly in which legislators from both entities would sit. Formed on the basis of power-sharing principles, these central institutions were given primary responsibility for Bosnia's foreign policy, as well as for international and inter-entity aspects of trade, transportation, communications, law enforcement and economic policy. Most other aspects of governance, including the critical issue of defence, were left in the hands of the entity governments.³³ As Janusz Bugajski has argued, real power in the new Bosnia lies not with the weak central government, but rather with the two entities, which “will be able to veto legislation; paralyse important policy initiatives; operate their own economic, military, and security structures; and consolidate their sovereignty and independence.”³⁴

According to the Dayton blueprint, Bosnia's new federal political structures, as well as municipal assemblies in both entities and 10 cantonal assemblies within the Muslim-Croat Federation, were to be brought into existence through nationwide elections held no later than nine months after the entry into force of the peace agreement. The extremely narrow time frame between the Dayton agreement and the elections, as well as the fact that the vote was to take place within the context of a fundamentally unresolved conflict, virtually guaranteed that the electoral process would be plagued with problems from the start. As Crocker and Hampson noted in the lead-up to the September 1996 poll:

The Bosnian election is so charged with controversy because the United States and its Western allies – at the peak of their diplomatic momentum in Dayton – refused to decide between partition and unity. Instead, they persuaded the parties to agree to both. This postponed the war's ultimate outcome, making the election itself a source of guidance in the suspended Bosnian peace process.³⁵

Bosnia's electoral process was also complicated from the outset by the fact that the Dayton agreement placed primary responsibility for building peace on the shoulders of the nationalists who

³³General Framework Agreement for Peace in Bosnia and Hercegovina, Annex 4 (Constitution of Bosnia and Hercegovina). (Internet version — <http://www.nato.int/ifor/gfa/gfa-an4.htm>)

³⁴Bugajski, *op.cit.*, p. 64.

³⁵Crocker and Hampson, *op.cit.*, p. 65.

led the descent into war in the first place. Despite the fact that Bosnian Serb President Radovan Karadzic was excluded from the Dayton talks, the representatives of the Bosnian parties at Dayton – including Milosevic and Croatian President Franjo Tudjman – upheld the interests of the three main nationalist parties who ruled during the war and who would subsequently be contesting the elections. In the words of Bogdan Denitch, the international community decided early on in the Dayton process “that it was easier to deal with the authoritarians in power, no matter how unlovely, than to help build up a democratic and non-nationalist opposition or institutions of civil society like the numerous existing non-governmental organizations.”³⁶ As a result, one of Dayton’s key political legacies thus far has been to strengthen the hand of nationalists on all sides and further entrench ethnicity as the sole relevant criteria of social organization in post-war Bosnia. As Jonathan Landay has suggested, the Achilles’ Heel of the Dayton Accords is that “they institutionalize and strengthen the power of Bosnia’s nationalist parties and their communist-style bureaucracies and militaries and do little to nurture a rebirth of the war-shattered moderate political middle ground.”³⁷

National Elections – September 1996

Even in the best of circumstances, creating conditions for ‘free and fair’ elections amidst the rubble of war-torn Bosnia would have been a monumental achievement. As events unfolded, however, the intransigence of the ruling nationalist parties and the unwillingness of the international community to enforce the civilian provisions of the Dayton Accords virtually ensured that the elections would do little more than ratify the continued rule of nationalists on all sides of the conflict.

From the outset, Bosnia’s electoral timetable was guided at least as much by external considerations as by the political realities on the ground. The fact that Bosnia’s elections were scheduled to take place in the midst of an American presidential election campaign has generated much speculation that the timing of the Bosnian elections had more to do with the Clinton Administration’s desire for a foreign policy triumph on the eve of American elections than with a

³⁶Bogdan Denitch, *Ethnic Nationalism: The Tragic Death of Yugoslavia* (Minneapolis: University of Minnesota Press, 1996), p. 213.

³⁷Jonathan Landay, “Policy Forum: Bosnia - After the Troops Leave”, *Washington Quarterly*, vol. 19, no. 3 (Summer 1996), p. 66.

genuine desire to bring democracy to Bosnia.³⁸ As Michael Williams has argued, the international community, and particularly the United States, appeared determined to push ahead with the Bosnian vote regardless of whether conditions for ‘free and fair’ elections had been met, and “if the earth needs to be declared flat in the process, so be it.”³⁹

As a consequence of Dayton’s compressed electoral timetable, opposition parties on all sides were effectively denied the opportunity to organize themselves as credible alternatives to the ruling nationalists. At the same time, holding elections so close to the end of the war virtually guaranteed that a traumatized and embittered electorate would vote along ethnic lines. In the words of David Rieff, “in the ruin that Bosnia has become, people are more vulnerable than ever to appeals based on lowest-common-denominator politics: the politics of hatred and revenge.”⁴⁰

Similarly, the intransigence of the ruling parties on all three sides of the conflict further complicated the task of creating conditions for free and fair elections in the lead-up to the September vote. The ruling nationalists maintained a virtual media monopoly throughout the campaign, and since the electoral rules did not compel the ruling parties to campaign directly against each other or to seek support across ethnic lines, they used their control over the media both to buttress their own support and to silence or smear their internal opposition. In Republika Srpska, the reporting of the official Bosnian Serb media was so offensive and biased in favour of the ruling SDS party that former International High Representative Carl Bildt accused them of broadcasting propaganda that “even Stalin would be ashamed of.”⁴¹ In Croat-controlled areas, both local Bosnian Croat media and the main television network from Croatia proper equated a vote for the ruling HDZ party with a vote for the Croat nation.⁴² News reporting in Muslim-controlled areas of the Federation, meanwhile, was generally more even-handed, although coverage by the state-owned television network

³⁸See, for example, David Rieff, “Abandoning Bosnia — Again”, *Newsweek*, September 16, 1996, p. 19; and Human Rights Watch, “A Failure in the Making — Human Rights and the Dayton Agreement”, in *RefWorld* (UNHCR Centre for Documentation and Research), vol. 8, no. 8, June 1996 (CD-ROM Version), p. 2.

³⁹Michael Williams, “Polling for Partition”, *Index on Censorship*, vol. 25, no. 4 (July/August 1996), p. 15.

⁴⁰Rieff, *op.cit.*, p. 63.

⁴¹Cited in International Crisis Group (ICG), “Elections in Bosnia and Herzegovina – Part 2 of 3: The Lead-Up to Elections”, (Internet edition: <http://www.intl-crisis-group.org/projects/bosnia/-report/bh16rep2.htm>), September 22, 1996, p. 15 of 25.

⁴²Cited in ICG, “The Lead-Up to Elections”, *op.cit.*, p. 17 of 25.

increasingly favoured the ruling SDA party of President Alija Izetbegovic as the campaign progressed.

At the same time as they were denied access to the media, opposition parties across Bosnia were subjected to harassment, intimidation, and outright violence. In the most widely reported incident, former Bosnian Prime Minister Haris Silajdzic, who had left the ruling SDA party to lead the opposition Party for Bosnia and Herzegovina, was beaten up by SDA supporters at a campaign rally in the northern Bosnian town of Cazin. On all three sides of the ethnic divide, opposition party rallies were regularly disrupted by ruling party supporters, while opposition members were often threatened, beaten, or fired from their jobs for their political activities.

No less damaging to efforts to create a neutral political environment across Bosnia was the continued presence on the political scene of indicted war criminals – in particular former Bosnian Serb President Radovan Karadzic. Although the Dayton Accords stipulated that indicted war criminals could neither hold public office in the lead-up to the elections nor run as candidates, Karadzic's image was omnipresent during the election campaign in Republika Srpska. In addition to making a mockery of the international community's commitment to bringing war criminals to justice, Karadzic's presence and his ongoing influence within the ruling SDS party during the campaign were direct challenges to virtually everything that Dayton represented. As Michael Dobbs of *The Washington Post* reported: "Balkan experts in the (US) administration and elsewhere agree that the goal of a self-sustaining peace in Bosnia will remain illusory as long as people like Karadzic stand in the way of even a minimal reintegration of the country."⁴³

Freedom of movement was yet another critical component of a 'neutral political environment' that was not achieved in the lead-up to elections. Despite promises by authorities in both entities to facilitate travel throughout the country and especially across the IEBL, "individuals who ventured into areas or entities not under the control of their own ethnic group were often threatened, subjected to violence, detained, or even murdered."⁴⁴ And while conditions were difficult for displaced persons wishing to visit their former homes on the other side of the IEBL, the situation was even worse for refugees and displaced persons wishing to return permanently to homes

⁴³Michael Dobbs, "Karadzic is Still Thorn in NATO's Side", *The Guardian Weekly*, May 11, 1997, p. 19.

⁴⁴ICG, "The Lead-Up to Elections", *op.cit.*, p. 9 of 25.

in areas from which they had been ethnically cleansed. While the right of refugee return was stipulated in the Dayton Accords, by the time of the elections only 200,000 of Bosnia's more than 2.5 million refugees and displaced persons had returned, and of those only a handful had returned to areas in which they would be an ethnic minority.⁴⁵ As Jane M.O. Sharp has suggested, in the absence of international protection, "refugees cannot be expected to return to communities where those who murdered and raped their loved ones not only remain free, but in some cases run local police stations."⁴⁶ Many of those who did make the effort to return were openly terrorized by members of the majority group; returnees often faced open discrimination, outright violence, and attacks on their homes. Indeed, population movements in the months leading up to the elections left Bosnia more 'cleansed' than when the war ended, as some 90,000 people living in vulnerable minority situations left their homes and moved into majority areas between the signing of the peace agreement and the September elections.⁴⁷

The voting rights of Bosnia's refugees and displaced persons in fact became a key strategic battleground in the run-up to elections. While the electoral regulations stipulated that most Bosnians were expected to vote in their pre-war constituencies (either in person or by absentee ballot), exceptions were made for uprooted persons wishing to live and vote in a new municipality. Authorities in both Republika Srpska and in Serbia proper attempted to take advantage of this exception to engineer Serb majorities in key strategic towns. Since many of the municipalities now comprising Serb-controlled Bosnia had Croat or Muslim majorities before the war, the prospect of those displaced populations electing non-Serbs to municipal councils in Serb-dominated towns represented a serious problem for Bosnian Serb authorities intent on consolidating their territorial gains. Thus, of some 123,000 Bosnian Serb refugees residing in Serbia, some 31,000 were 'assigned' to vote in the disputed town of Brcko, while an additional 20,000 were registered to vote in the formerly Muslim-majority town of Srebrenica. As the International Crisis Group reported,

⁴⁵*Ibid.*, p. 7 of 25.

⁴⁶Jane M.O. Sharp, "Bosnia: Begin Again", *Bulletin of the Atomic Scientists*, vol. 53, no. 2 (March/April 1997), p. 18.

⁴⁷ICG, "The Lead-Up to Elections", *op.cit.*, p. 7 of 25.

“in practical terms, all formerly Bosniac-majority municipalities were strategically stacked with Serb refugee votes.”⁴⁸

Similar strategies were employed within Republika Srpska, where displaced Serbs were systematically pressured into registering to vote in Serb-held municipalities instead of in their pre-war municipalities within the Federation. In the front-line town of Dobojo, for example, officials in the SDS-dominated Commission for Refugees and Displaced Persons declared that only those displaced persons who registered to vote in municipalities within Republika Srpska would be eligible to receive housing or humanitarian assistance.⁴⁹ Despite the determination of the international community to hold the elections on time, the extent of the electoral engineering, which violated the spirit if not the exact letter of the Dayton agreement, could not be ignored. In late August, less than three weeks before election day, the Organization for Security and Cooperation in Europe (OSCE), the international agency charged with overseeing the electoral process, announced that the municipal component of the elections was being postponed due to “widespread abuse of rules and regulations.”⁵⁰

Elections for higher-level political bodies, including Bosnia’s tripartite collective presidency, went ahead as scheduled despite the registration imbroglio and despite repeated warnings by international non-governmental agencies that the elections would undermine rather than further the goals of Dayton. Human Rights Watch, for example, declared in an extensive pre-election report that “elections that are conducted under current conditions – where persons indicted for war crimes monopolize the media, using it for their own nationalistic goals; and those who would voice an alternative, multi-ethnic view of Bosnia and Hercegovina are silenced – will only consolidate the power of the extremists.”⁵¹

Despite the turbulent lead-up to the elections, polling day itself unfolded peacefully, if not unproblematically. Inaccurate voters lists disenfranchised many voters, while restrictions on freedom of movement meant that out of some 150,000 voters expected to cross the inter-entity

⁴⁸*Ibid.*, p. 21 of 25.

⁴⁹*Ibid.*, p. 20 of 25.

⁵⁰Cited in Chris Hedges, “Municipal Elections in Bosnia Postponed, Raising Doubts about Troop Pullout”, *The New York Times*, August 28, 1996, p. A6.

⁵¹Human Rights Watch, *op.cit.*, p. 2.

boundary line to cast their ballots in their pre-war communities, only about 15,000 made the journey.⁵² And many of those who did make the trip, along with many refugees and displaced persons voting by absentee ballot, received a rude shock when they received their ballot papers. Bosnia's new constitution decreed that the Bosniac and Croat members of the tripartite presidency would be elected from the territory of the Federation, and the Serb member from the territory of Republika Srpska. Consequently, those Muslims and Croats who had been driven from their homes in what was now Republika Srpska but had opted to vote in their pre-war municipalities received presidential ballot papers printed in Cyrillic and containing only the names of Serb candidates. Similarly, Serbs who had chosen to remain within the Federation or those who had been displaced but chose to vote in their pre-war municipalities found themselves unable to vote for a Serb presidential candidate. Predictably, many who found themselves in this situation chose to spoil their ballots. As one embittered Muslim refugee from Banja Luka, voting by absentee ballot from the Croatian city of Rijeka, complained: "How can we vote when the only candidates on the ballot are war criminals?"⁵³

In the end, as most observers had predicted, Bosnia's main nationalist parties sailed to easy victories. In the presidential contest, SDA candidate Alija Izetbegovic and HDZ candidate Kresimir Zubak took the Bosniac and Croat presidential slots, each garnering well over 80 per cent of the popular vote. Momcilo Krajsnik of the ruling SDS party won the Serb seat on the three-member presidency with some 67 per cent of the popular vote. Ironically, Krajsnik's less overwhelming margin of victory was largely attributable to anti-SDS absentee votes of Bosniac and Croat refugees and displaced persons.⁵⁴ Similarly, Bosnia's three main nationalist parties swept 35 of the 42 seats in Bosnia's new House of Representatives. As Susan Woodward has noted, while the international community had hoped that Bosnia's first post-war elections would cue a triumphant international withdrawal from Bosnia, the results made that scenario seem highly unlikely: "Far from producing a smooth transition and an easy exit for IFOR (the NATO Implementation Force), the election predictably gave the democratic stamp of approval to the three nationalist parties that had waged the

⁵²ICG, "Elections in Bosnia and Herzegovina – Part 3: Results and Conclusions", (Internet Edition: <http://www.intl-crisis-group.org/projects/bosnia/report/bh16rep3.htm>), September 22, 1996, p. 5 of 14.

⁵³Personal Interview, Rijeka, Croatia, August 30, 1996.

⁵⁴ICG, "Results and Conclusions", *op.cit.*, p. 8 of 14.

war.”⁵⁵ In the aftermath of the elections, creating a united, peaceful and democratic Bosnia seemed less likely than ever.

Municipal Elections – September 1997

In many ways, the most significant aspect of Bosnia’s municipal elections is the fact that they took place at all. Postponed no less than four times, and threatened with boycotts by the major parties up until the last minute, the elections finally took place on September 13-14, 1997, precisely one year after they were originally scheduled.

Despite the delays, Bosnia’s political climate had changed little by the time Bosnians returned to the polls to elect local authorities. The national elections of the previous year had indeed entrenched the power of the ruling nationalists, whose mutual animosity continued to hamper progress toward peace and reconciliation. The ruling parties of all three sides also maintained their grip on the major media outlets in areas under their control, severely limiting the ability of non-nationalist opposition forces to make their voices heard. And even though SFOR – the trimmed-down NATO ‘Stabilization Force’ that replaced IFOR at the end of 1996 – stepped up its efforts to arrest indicted war criminals, most of Bosnia’s prominent war crimes suspects remained at large.

The absence of freedom of movement and the glacial rate of refugee return remained serious obstacles to the peacebuilding process. Displaced persons attempting to visit grave sites or former homes on the other side of confrontation lines continued to suffer harassment or worse, while refugees attempting to return to their former homes fared little better. When several hundred Muslims attempted to return to their former homes in Croat-controlled Jajce, for example, they were turned back by an angry mob. When the returnees made a second attempt several days later, landmines had been laid around several of their houses.⁵⁶ The prospects for refugees and displaced persons wishing to return what was now Republika Srpska was even worse. “It’s like trying to persuade Hitler to take the Jews back,” *The Washington Post* quoted one frustrated Western official

⁵⁵Susan Woodward, “Bosnia After Dayton: Year Two”, *Current History*, vol. 96, no. 608 (March 1997), p. 97.

⁵⁶Lee Hockstader, “Scattered Signs of Progress in Bosnia”, *The Washington Post*, September 16, 1997, p. A12.

as saying. “They (the Bosnian Serbs) think they fought a pretty good war and got rid of all these Muslims and Croats and that it’s a preposterous idea to take all of them back.”⁵⁷

In spite of the difficult political environment, the OSCE invested considerable institutional resources to overcome the problems that had precipitated the original postponement of the municipal elections. In an effort to produce accurate voters lists and head off the possibility of widespread electoral fraud, the OSCE oversaw a Bosnia-wide voter registration process during the spring of 1997. Some 2.52 million Bosnians were registered during this period, including some 535,000 refugees residing outside of Bosnia.⁵⁸ Similarly, the Provisional Election Commission tightened the rules for those who did not wish to vote in their pre-war municipalities. Voters within Bosnia had to provide documentary proof of continuous residence in a new municipality in order to be given the right to vote there. And while refugees retained the right to register to vote in a municipality to which they intended to move, they were required to demonstrate a “pre-existing, legitimate, and non-transitory nexus with the future municipality,” such as a title to property or an offer of employment in the new municipality. Since refugees were further required to travel to their intended municipality of residence to present their documentation, few ultimately bothered. In the end, less than a thousand refugees registered under the ‘future municipality’ rule, limiting severely the potential for electoral engineering.

Despite these efforts, however, the OSCE did uncover serious cases of fraud throughout the registration period. In tightly-contested municipalities such as Serb-controlled Brcko, for example, officials were caught issuing fraudulent identity papers to Serb refugees in an effort to boost the number of Serbs voting for the municipality. Such manipulation was not restricted to Serb-held areas; falsified documents also turned up in contested municipalities within the Muslim-Croat Federation, such as in Croat-controlled Zepce where the OSCE de-certified a number of leading HDZ candidates as a result of the ruling Croat party’s efforts to manipulate the registration process.

Across Bosnia, the lead-up to the municipal elections saw a process of ‘majoritization’ similar to that witnessed in the months leading to the 1996 national elections. Given the significant political authority vested in the municipal assemblies, both the Serb and Croat ruling parties viewed

⁵⁷*Ibid.*, p. A12.

⁵⁸ICG, “Beyond Ballot Boxes: Municipal Elections in Bosnia and Herzegovina”, (Internet edition: <http://www.intl-crisis-group.org/projects/bosnia/report/bh26main.htm>), September 10, 1997, p. 10 of 25.

electoral victory in municipalities under their control as critical to consolidating wartime territorial gains. Hence the efforts of the Bosnian Serbs to achieve electoral victory at any cost in Brcko, a key strategic town in northeast Bosnia which sits on a narrow land corridor linking the two halves of Serb-controlled Bosnia. The Bosnian Muslims, on the other hand, saw the municipal elections as an opportunity to regain a political foothold in territories, particularly in Eastern Bosnia, from which they had been brutally cleansed during the war.

In the end, therefore, Bosnia's municipal elections were above all a struggle among the country's nationalist parties to consolidate and expand territorial holdings or to reinforce claims over lost territory. Within this context, non-nationalist parties were little more than bit players, ultimately winning only 6 per cent of council seats across Bosnia.⁵⁹ While non-nationalist parties did erode nationalist support in some areas, most notably in the northeastern city of Tuzla, Bosnia's municipal elections did far more to harden the country's ethnic divisions than to overcome them.

While the three ruling parties emerged from the municipal elections with a clear majority of council seats, the most interesting and potentially volatile outcomes were in places like Srebrenica, where candidates representing displaced voters won clear majorities. Such results produced de facto governments-in-exile not only in Srebrenica, but in several towns within the Muslim-Croat Federation where Serb-majority assemblies were elected.

Ensuring the implementation of local election results therefore proved to be as great a challenge as organizing the elections in the first place, particularly since most assemblies have at least some representation from minority ethnic groups. The scope of the challenge became apparent in early 1998, when Srebrenica's Muslim councillors, along with their escort of UN police, were turned back by an angry Serb crowd as they attempted to enter the town for the inaugural meeting of the municipal assembly. By April, Srebrenica was still without a functioning municipal government, and the OSCE appointed an interim executive board charged with overseeing the municipality's affairs while the search continued for a power-sharing agreement acceptable to all parties.

⁵⁹ICG, "ICG Analysis of 1997 Municipal Election Results", (Internet edition: <http://www.intl-crisis-group.org/projects/bosnia/report/bhxxpr10.htm>), October 14, 1997, p. 1 of 4.

As a result of arduous negotiations, however, by mid-1998 virtually every Bosnian municipal assembly outside of Srebrenica had received final certification. Nevertheless, in many cases the delicate power-sharing arrangements required to sustain functioning local multiethnic governments have been strained to the point of collapse. The Croat-controlled town of Drvar provides a particularly dramatic example of these tensions. Absentee votes from displaced Serbs, who had formed the vast majority of Drvar's pre-war population, gave a coalition of Serb parties a majority in the town's municipal assembly and helped ensure that the new mayor of Drvar would be a Serb. This arrangement, which included a Croat deputy mayor, did not survive the first sustained Serb returns to the region. In the aftermath of an April 1998 incident in which two elderly Serb returnees were found murdered in a village near Drvar, the International High Representative dismissed the deputy mayor. Croats in the town reacted by staging a riot in late-April, during which offices and vehicles belonging to international organizations were torched and the Serb mayor was badly beaten. By the autumn of 1999, tensions in Drvar remained high and the town still lacked a functioning municipal government.

Despite the drama of the implementation process, in many ways the results of the municipal elections were overshadowed by the power struggle which emerged in mid-1997 between the then-President of the Republika Srpska, Biljana Plavsic, and her predecessor Radovan Karadzic. Supported by the West and more specifically by NATO peacekeepers, which helped her gain control of key television transmitters across Republika Srpska, Plavsic began to progressively weaken the grip of Karadzic and the ruling SDS party in Serb-held Bosnia. Although her Serb National League was formed too late to contest the municipal elections, Plavsic orchestrated a new round of elections for the Bosnian Serb parliament in November 1997. While the President and her supporters failed to win an outright majority in new elections, they did manage to prevent Srpska's hardline nationalist parties from capturing a majority.

More significantly, Republika Srpska's new electoral landscape allowed Milorad Dodik of the Independent Social Democrats to emerge as the Serb entity's new Prime Minister in mid-January 1998. Dodik is widely considered to be a moderate democrat who supports the Dayton Peace Accords and the eventual reintegration of Serb-held Bosnia with the Muslim-Croat Federation. With the international community prepared to offer Dodik's new government significant support in both economic and political terms, his election appeared to represent, in the words of *The Washington*

Post, “a significant step forward in the difficult process of restoring peace and building a new nation out of the wreckage of the post-Yugoslavia war.”⁶⁰

National Elections – September 1998

The results of Bosnia’s second round of post-Dayton national elections – held precisely two years after the first – represented another major setback for international efforts to instill the principles and practices of civic democracy in Bosnia. While there were some bright spots, most notably the defeat of Karadzic loyalist Momcilo Krajisnik in the race for the Serb member of the Bosnian Presidency, more generally the results reflected a continuation of the same political trends which marked the 1996 elections.

At the cantonal level within the Muslim-Croat Federation, for example, an SDA-dominated coalition won absolute majorities within all predominantly Bosniac cantons, while the HDZ retained a stranglehold on power in both Croat-majority cantons.⁶¹ And despite a well-publicized split within the HDZ which saw the Croat member of the joint presidency, Kresimir Zubak, break off to form his own party, both Zubak and his New Croatian Initiative failed to significantly erode HDZ support on polling day. For those looking for signs of a weakening of the forces of nationalism within Bosnia, most disappointing of all was the result of the election for the president of Republika Srpska. Despite the massive influx of international assistance into Republika Srpska which followed Biljana Plavsic’s successful campaign against the Pale-based Karadzic clique, both Plavsic and her Western backers were repudiated on election day. In one of the most closely contested races of the campaign, Plavsic was narrowly defeated by the hard-line Nikola Poplasen of the Serb Radical Party. Plavsic’s defeat was a major setback for Western policy in Republika Srpska, and a blow to the belief that economic incentives could turn Bosnia’s Serbs away from nationalism.

For those in the pro-Dayton camp, the 1998 election results were particularly disappointing in light of the amount of effort expended by the international community to level the political playing field in Bosnia and give non-nationalist parties every opportunity to compete on equal terms with the nationalists. In the lead-up to the elections, the Provisional Election Commission banned

⁶⁰“Progress in Bosnia”, *The Washington Post*, January 22, 1998, p. A20.

⁶¹“Seat Allocation – Cantons and Municipalities” OSCE Mission to BiH website: (<http://www.oscebih.org/98results/seat-all-cantonsMun.htm>).

paid political advertising on all broadcast media, and required radio and television stations to provide “fair and equitable” amounts of free broadcast time to all political parties. Similarly, the OSCE opened Political Party Resource Centres across the country whose services, while theoretically available to all political parties, were primarily directed at helping opposition parties organize and mobilize themselves. Despite these efforts, however, with a few notable exceptions the results revealed Bosnia’s non-nationalist opposition parties to be fragmented, disorganized, and largely ineffectual at countering the appeal of the main nationalist parties.

The 1998 election results also lent renewed credibility to the argument that the electoral system constructed at Dayton was itself in large part responsible for the continued dominance of nationalist parties within Bosnia. As the International Crisis Group argued in the aftermath of the elections, the results were entirely predictable, since the electoral system reinforced the same nationalist dynamic that had dominated Bosnia political life for almost a decade:

The results are simply the latest manifestation of a political system which panders to extremists and does not afford Bosnians the luxury of forsaking nationalism. Electors fear living under the ethnic rule of another community and therefore vote for the most robust defence of their own interests, thus sustaining a vicious cycle of fear and insecurity.⁶²

The ICG’s own recipe for overcoming this cycle was to adopt a new electoral system which would first and foremost guarantee the ‘ethnic security’ of all three of Bosnia’s ethnic groups, thereby freeing up voters to concern themselves with other political issues. By early 1999, in fact, electoral reform was very much on the agenda in Bosnia, as a draft Permanent Election Law for the country began to take shape. By late in the year, however, it became clear that the new law – drafted by a team of international and national experts under the guidance of the OSCE and the Office of the High Representative – would not radically change the Bosnian electoral system. In large measure, this was due to the fact that the working group was mandated to produce a law that was consistent with Bosnia’s Dayton constitution, which entrenched many of the principles which critics of the system found so objectionable. In any case, a major overhaul of the electoral system would require a constitutional amendment, an unlikely prospect given the ongoing control over Parliament by the major nationalist parties and the fact that any amendment would almost by definition

⁶²ICG, “State of the Balkans”, (Internet edition: <http://www.crisisweb.org/projects/sbalkans/reports/ba01rep.htm>), November 4, 1998, p. 12 of 15.

undermine the interests of the nationalists. If the hold of the nationalists over the Bosnian political system is to be broken any time in the near future, therefore, it seems improbable that electoral reform will be the vehicle through which this feat will be accomplished.

In the aftermath of the 1998 elections, Bosnian democracy seemed increasingly under siege on another front, this time from the international community itself. In late 1997 the Bonn Peace Implementation Council granted the High Representative increased powers to impose decisions on key political issues and to remove obstructionist local officials. Given the failure of Bosnia's elected representatives to come to agreement on any key issues – from the look of the national flag to the design of the Bosnian currency – the High Representative increasingly used his new powers to impose solutions. This trend has led many observers to suggest that Bosnia is becoming a “creeping protectorate,” with executive authority increasingly concentrated within the person of the High Representative as Bosnia's own elected authorities continue to be either unwilling or unable to carry out normal decision-making functions. As the ICG has noted, “In order to get the peace process moving in Bosnia, the international community has had to run roughshod over the country's democratic institutions,” thus allowing Bosnian politicians “to wash their hands of responsibility for the reconstruction of their own country.”⁶³

The most dramatic manifestation of this dilemma was the dismissal of Republika Srpska President Nikola Poplasen in March 1999 for his continued obstruction of Dayton implementation. Not only did the dismissal raise serious questions about the legitimacy of an internationally-appointed High Representative firing a democratically-elected President, it also touched off a constitutional and governance crisis in Republika Srpska that continued to fester throughout the remainder of 1999. While the new High Representative, Wolfgang Petritsch, has made ‘local ownership’ of the Dayton process the cornerstone of his mandate, the dilemma between allowing ongoing political paralysis and imposing decisions by international fiat remains. The real challenge, as a recent report by the European Stability Initiative suggests, is to ensure that the High

⁶³ICG, “Doing Democracy a Disservice: 1998 Elections in Bosnia and Herzegovina” (Internet edition: <http://www.crisisweb.org/projects/bosnia/reports/bh40rep.htm>), September 9, 1998, p. 21 of 21; and ICG, “State of the Balkans”, *op.cit.*, p. 11 of 15.

Representative's powers are used to promote democracy over the long run rather than undermine it.⁶⁴

Beyond Ballot-Box Democracy

While war-torn countries, as James Schear has rightly pointed out, are never fertile ground for elections,⁶⁵ the conditions under which Bosnia's post-Dayton elections have taken place could scarcely have been less hospitable. In addition to the difficulties inherent in holding democratic elections in the aftermath of any violent civil conflict, the inability of Dayton's architects to settle the fundamental conflict over which the war was fought ensured that post-Dayton Bosnia would continue to be dominated by the same logic of ethnic nationalism that produced the war in the first place. Held within the context of an unresolved conflict over territory, sovereignty, and self-determination, and subject to the manipulation of dominant nationalist forces more intent on pursuing their wartime goals than on creating conditions for genuinely free and fair elections, Bosnia's elections were almost inevitably hijacked by the ongoing struggle over the shape of post-Yugoslavia Bosnia.

Dayton's uncomfortable compromise between partition and unity also generated ongoing tensions between national and individual rights within post-war Bosnia. By carving out ethnically-defined territories on Bosnian soil, the Dayton deal implicitly legitimated collective Bosnian Serb claims to nearly half of Bosnia. At the same time, however, the peace accord also recognized the rights of ethnically-cleansed individuals to return to their original homes. The continual collision between the rights of refugees and displaced persons to 'uncleanse' large areas of the country by going home, on the one hand, and the collective rights of particular ethnic groups over specific territories, on the other, further entrenched ethnicity and territory as the central issues of Bosnia's recent electoral campaigns.

In the absence of even the barest outlines of a post-war Bosnian 'political community', the central political institutions created at Dayton have not been sufficient in themselves to ensure that all parties have a stake in an effectively functioning Bosnian state. Intransigence and confrontation

⁶⁴European Stability Initiative, "Reshaping International Priorities in Bosnia and Herzegovina", 14 October 1999, p. 2.

⁶⁵Schear, *op.cit.*, p. 97.

have characterized Bosnia's central institutions from the start, and much of the progress that has been made has required intense international pressure. Bosnia's Serbs, meanwhile, have spent much of the post-Dayton period fiercely resisting any reintegration of their entity with the rest of Bosnia, while much international energy has been expended shoring up the chronically fragile Muslim-Croat Federation.

At the same time, Bosnia's recent electoral experiences have also underlined the reality that building democracies from the ground up in war-torn societies means more than simply organizing elections. Equally fundamental are efforts to open up political space in which the nascent institutions of a democratic civil society – including non-governmental organizations, independent media, and a viable political opposition – can develop and prosper. Indeed, given the virtual gridlock at the top of Bosnia's political system as a result of the mutually-hostile and the largely uncooperative behaviour of the ruling nationalist parties, progress toward a unified and democratic Bosnia may ultimately require less dependence on the ability of Bosnia's nationalists to work together and more emphasis on activities further down the political spectrum. As Michael Sells noted in the aftermath of the 1996 elections, "if peace is still possible, it will rely on the strength of nonstate democratic institutions: unions, independent media, political coalitions and other groups."⁶⁶

In fact, the key to creating a united, democratic Bosnia may lie not in holding nominally democratic elections but in doing more to build up the institutions of civil society that are essential both to the effective functioning of a democratic society and to the creation of a cohesive political community. Bogdan Denitch, for example, has argued that rather than continuing to expend political capital legitimizing Bosnia's nationalists, the international community should instead be pouring its support into Bosnia's emerging institutions of civil society. Without massive support for such core elements of democracy, Denitch suggests that it is "rank hypocrisy" for the West to expect Bosnia to remain united and to develop stable, democratic institutions.⁶⁷ At the same time, others observers have suggested that the international community's obsession with elections has in fact come at the expense of civil society development. As a recent United States Institute of Peace report noted: "Managing numerous complex elections has diverted resources and human capital from other

⁶⁶Michael Sells, "Backing the Balkans", *The Nation*, December 23, 1996, p. 3.

⁶⁷Bogdan Denitch, "What can we learn from the terrible peace in Bosnia-Herzegovina?", speaking notes for the conference *The Lessons of Yugoslavia*, Innis College, University of Toronto, March 20-23, 1997.

equally important areas of democratic development, such as building civil institutions and encouraging civic education programmes.”⁶⁸

While attempts to foster democratic, non-nationalist alternatives through the development of a strong Bosnian civil society hardly represent a ‘quick fix’ to the problems of Bosnian unity, they are more promising than the hope that Bosnia’s nationalists will suddenly discover the virtues of inter-ethnic tolerance. While civil society development has been a component of the international intervention in Bosnia since Dayton – with some notable successes – there is little doubt that much more could be done in this area. A re-focussed peace process which prioritized support for women’s groups, students’ and workers’ organizations, civic fora, multiethnic opposition parties and independent media outlets would offer some hope of gradually rebuilding links between Bosnia’s divided communities. Such a strategy would also help propel new voices of tolerance and political moderation onto the Bosnian political stage, giving voters the possibility of real choice in future elections. Such a result, as Jonathan Landay has suggested, “would be welcomed by ordinary Bosnians of all ethnic stripes, who are exhausted by the politics of division and hate, including moderate Serbs forced to remain silent by Karadzic’s police and thugs.”⁶⁹

The minimalist strategy with which NATO has approached its peacekeeping tasks has also hampered the implementation of the Dayton Accords and limited the peacebuilding potential of Bosnia’s recent elections. As one former US diplomat commented in the aftermath of the 1996 elections: “The defining moment of the post-Dayton process was the flat refusal of NATO to do anything other than defend itself and enforce the military separation line.”⁷⁰ Indeed, a more proactive approach by NATO forces could have done much to improve the environment within which elections were held. For example, a more aggressive NATO stand against war criminals, while not without its risks, could have made a valuable contribution to the peacebuilding process. In addition to removing some of Bosnia’s worst nationalists from the political scene, the dispatch of prominent war crime suspects to The Hague to stand trial offers a potentially vital tool of Bosnian reconciliation, by underlining the fact that “individuals – not nationalities – are guilty of war crimes,

⁶⁸US Institute of Peace, “Bosnia Report Card: Pass, Fail, or Incomplete” (Internet edition: <http://www.usip.org>) November 12, 1998, p. 6 of 20.

⁶⁹Denitch, “What can we learn?”, *op.cit.*

⁷⁰Cited in Massimo Calabresi, “Tallying the Hate”, *Time*, September 16, 1996, p. 53.

and that the momentary political leaders do not necessarily speak for the national communities they claim to represent.”⁷¹

NATO’s peacekeeping troops could have made an equally valuable contribution to establishing a neutral political environment for elections by facilitating freedom of movement and protecting vulnerable minority populations, including returning refugees and displaced persons. Yet despite the fact that the Dayton Accords granted NATO considerable authority to “observe and prevent interference with the movement of civilian populations, refugees and displaced persons, and to respond appropriately to deliberate violence to life and person,”⁷² NATO commanders have consistently refused to take on responsibilities for facilitating freedom of movement, creating a secure human rights environment, or for protecting returnees. Ironically, therefore, while the electoral regulations encouraged Bosnians of all ethnicities to vote in their pre-war municipalities, little has been done to guarantee the safety of those who wish not only to vote in their pre-war communities, but to actually return to live in them.

If, as Michael Williams has argued, “the implementation of the Dayton Accords has not done enough to create the space in which ‘good guys’ could emerge as meaningful political actors,”⁷³ at least part of the responsibility for this failure must lie with the design of Bosnia’s post-war electoral system. Rather than making political moderation pay, Bosnia’s electoral rules have in fact contributed to further ethnic polarization by allowing candidates of all three ethnic groups to achieve electoral success through narrow appeals to ethnic solidarity. This structure has benefitted nationalists on all sides of the ethnic divide, who have been able to neutralize their opponents by portraying themselves as the true defenders of the ‘nation’, while charging their non-nationalist challengers with ethnic betrayal.

The International Crisis Group, for one, has called for Bosnia’s electoral rules to be revised in order to make successful political candidates reliant on support across the ethnic spectrum.⁷⁴ In a 1997 report, the ICG suggested that in future elections, the proportion of seats to be held by each

⁷¹Denitch, *Ethnic Nationalism*, *op.cit.*, p. 224.

⁷²General Framework Agreement for Peace in Bosnia and Hercegovina, Annex A-1 (Military Aspects). (Internet version — <http://www.nato.int/ifor/gfa/gfa-an1a.htm>).

⁷³Williams, *op.cit.*, p. 17.

⁷⁴ICG, “Beyond Ballot Boxes”, *op.cit.*, pp. 24-25 of 25.

ethnic group should be allocated in advance on the basis of population distribution, and that every voter be allowed to cast ballots for candidates of each ethnic group. Rather than the current system in which candidates can be elected solely on the support of their own ethnic group, this system would require successful candidates to appeal to voters of all ethnicities, thereby rewarding moderation and discouraging ethnic extremism.

Logistically and theoretically, it would be relatively simple to revise Bosnia's electoral laws to allow the country's tripartite presidency to be elected along the lines proposed by the ICG. Since the joint presidency is made up of one member from each of Bosnia's main ethnic groups, the ICG proposal could be implemented simply by allowing all Bosnians a vote for each of the three presidency positions. Bosniacs, for example, would be able to choose not only among the Bosniac presidential candidates, but among the Serb and Croat candidates as well. Such a change would fundamentally alter the dynamics of the electoral contest, and provide political moderates with a distinct advantage over their less tolerant rivals. As noted above, however, constitutional and political obstacles have so far thwarted radical revisions to Bosnia's electoral system.

Conclusion

While elections at the local, entity, and national levels were to be the vehicles through which Bosnians could freely and collectively decide their political future, the inability or unwillingness of Bosnia's international peace-brokers to offset the political advantages enjoyed by the country's ruling nationalists has compromised both the freedom and the fairness of post-war elections. As Bogdan Denitch has suggested, by accepting the continuing dominance of the nationalist leaderships of all three of Bosnia's ethnic communities, the Dayton agreement made ordinary Bosnians hostages to their own political leaderships.⁷⁵

Despite some encouraging signs of progress – such as the splits and fractures within Bosnia's main Serb and Croat nationalist parties – Bosnia remains a divided and volatile country in the midst of a turbulent and unstable region, where the forces of ethnic nationalism remain powerful. The election of the Serb hardliner Nikola Poplasen as President of Republika Srpska in September 1998

⁷⁵Bogdan Denitch, "What can we learn?", *op.cit.*, pp. 5-6.

sent shivers through the international community in Bosnia, and showed clearly that there is nothing linear or inevitable about Bosnia's path to peace. The crisis in Kosovo in the spring of 1999 similarly revealed the ease with which regional instability can cross national borders in Southeastern Europe. Surprisingly, however, while the Kosovo crisis significantly chilled the political climate in Bosnia for a time, there has so far been relatively little long-term political fall-out.

Any assessment of Bosnia's post-Dayton elections must also take into consideration the harsh realities of *pre*-Dayton Bosnia. While its inherent flaws and subsequent implementation problems must be acknowledged, Dayton did silence the guns and stop the killing in Bosnia, succeeding where four years of diplomatic efforts before it had failed. And while the agreement failed to determine the ultimate political configuration of post-war Bosnia, it did provide valuable time in which to accomplish that task.⁷⁶

Nearly four years after the signing of the Dayton Accords, the balance-sheet on Bosnia's peacebuilding experience revealed clearly that appropriate institutional mechanisms are necessary but not sufficient to reconcile democracy and nationalism within the boundaries of a deeply-divided state. While Bosnia's current political architecture includes, in one form or another, all of the elements of Lijphart's power-sharing approach, such mechanisms have arguably been used as much to pull Bosnia apart as to keep it together. For example, group autonomy, the most visible manifestation of which is the very existence of Republika Srpska, has reinforced Serb claims to sovereignty over the 49 per cent of Bosnia under their control. The fact that Dayton legitimized a Serb entity within Bosnia has also undermined subsequent efforts to promote returns of non-Serbs to Republika Srpska, and has prompted Bosnia's Croats to push claims for an exclusively Croat entity in Western Bosnia. At the same time, the failure of executive power-sharing, exemplified by the discordant and acrimonious three-member Bosnian presidency, has provided ammunition for those who would argue that Serbs, Croats, and Bosniacs cannot live together within a single state. And while Bosnia's post-Dayton constitution includes minority vetoes aimed at protecting the vital interests of each of the country's constituent ethnic groups, such mechanisms have been insufficient to prevent the ongoing process of 'majoritization' within Bosnia.

⁷⁶Maynard Glitman, "US Policy in Bosnia: Rethinking a Flawed Approach", *Survival*, vol. 38, no. 4 (Winter 1996-97), p. 76.

Ultimately, therefore, while Bosnia's post-war experience does not invalidate Lijphart's power-sharing approach as a means of reconciling national interests within a single state, it does suggest that such an approach cannot succeed in the absence of key supporting conditions. These conditions include a social and political climate more conducive to cooperation than confrontation, the existence of mechanisms that promote a shared sense of political community and that give all relevant groups a strong interest in the continued existence of the state, and the presence of flexible, capable, and tolerant political leaders willing to work together in the interests of all citizens.

These conditions cannot, however, be created merely through the act of voting, and Bosnia's democratic experience underlines the fact that elections themselves do not produce democracy. Premature elections, in fact, can seriously undermine both the process of democratization and peacebuilding in divided societies. At the same time, electoral systems that encourage moderation and tolerance can play a key role in placing post-conflict societies on a sound and stable democratic footing, although this role should probably not be overestimated. In post-conflict situations such as Bosnia, ultimately, democratization must be viewed in the widest possible terms: the organization of elections must be accompanied by vigorous efforts to strengthen and foster vibrant civil society organizations such as a free and independent media, active non-government organizations, and viable political opposition parties. Creating a secure environment in which elections can be held also must go beyond military security to encompass human security, since elections in which fear and uncertainty are the main factors motivating voters are unlikely to produce positive political change. In the absence of substantial progress toward the creation of the fundamental institutions and conditions which underpin effectively-functioning democratic societies, the goal of consolidating peace and democracy in places like Bosnia is likely to remain elusive. Creating this kind of democratic space, however, will not happen overnight. One of post-Dayton Bosnia's most important lessons, therefore, may be that post-conflict peacebuilding is a process better measured in years or even decades rather than in days and months, meaning that the task of constructing a peaceful, united, and democratic Bosnia remains in its early stages.

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