

Political Development of Post-Dayton Bosnia and Herzegovina

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Abstract: *The submitted paper analyses the main aspects of the political development of Bosnia and Herzegovina after the signing of the Dayton Peace Agreement in 1995. The main goal of the post-conflict reconstruction of Bosnia and Herzegovina was to achieve future political stability within political system. Consociational mechanisms and power-sharing mechanisms were to be introduced avoiding exclusion of the political representatives of one of the constitutional nations from the decision-making process and enforcing stronger cooperation among the political elites. The political system proceeded from Annex IV of the Dayton Peace Agreement, which was approved by the main political bodies in Bosnia and Herzegovina and also by neighbouring Croatia and the Federal Republic of Yugoslavia. Both the political elites of Croatia and the Federal Republic of Yugoslavia had their own political goals, which also resulted in the adoption of an extremely complicated political system and the inevitability of further international assistance in order to retain political stability. The main goal of the article is to demonstrate the most important problems emerging from the political system and analyse the importance the role of the Office of High Representative for Bosnia and Herzegovina played in achieving political stability.*

Keywords: *Bosnia and Herzegovina, Conflict Resolution, Political System, Political Parties, Consociational Democracy*

Introduction

The article is a single case study dealing with the main aspects of the political development of Bosnia and Herzegovina after 1995, when the Dayton Peace Agreement was signed. The Dayton Peace Agreement was a complicated document reflecting the multi-ethnic character of Bosnia and Herzegovina and the strong impact of the war. The main provisions were accepted under strong pressure from the international community in order to encourage the political elites to reach an agreement and end the several year lasting conflict. The peace talks were led by USA diplomats, which helped Slobodan Milošević, the president of Serbia, Franjo Tudjman, the president of Croatia, and Alija Izetbegović, the president of Bosnia and Herzegovina, reach an agreement at Wright-Patterson Air Base in Dayton, Ohio. The Dayton Peace Agreement was later signed in a official ceremony on the 14 December 1995 in Paris. Although the international community and especially USA diplomats put great effort into creating a comprehensive peace treaty which would solve as many problems as possible, many still remained. Bosnia and Herzegovina is a state where an extremely complicated political system was introduced and the question of the future of coexistence of the main ethnic groups is still very problematic. The main aim of the article is to demonstrate the main reasons why the political system of Bosnia and Herzegovina is still quite complicated and show the importance of the role of external bodies for the decision-making process. The article attempts to answer the following questions: What are the main issues arising from the Dayton Peace Treaty provisions which are still prevalent at present, and is the role of the international community inevitable in the future in order to prevent political instability in the future? The key concept, adopted for the political system of Bosnia and Herzegovina, was the introduction of consociational mechanisms, which are viewed as most favorable for divided societies.

The Significance of the Dayton Peace Agreement

Bosnia and Herzegovina (BiH) still currently ranks among the most divided societies in Europe and the political system of BiH, according to many scholars, is even “the most complicated system in Europe.” (Subašić 2015: 63) The main provisions of the political system of Bosnia and Herzegovina were adopted on the basis of Annex IV of the Dayton Peace Agreement. As mentioned earlier, the Dayton Peace Agreement was an uneasy result of diplomatic efforts and a number of compromises among the most important Serbian, Croat and Bosniak political elites. Although a number of controversies still remain, the Dayton Peace Agreement, according to Selmo Cikotić, “must be understood as the best possible achievement of the time in which it was produced.” (Cikotić 2006: 289) The significance of the Dayton

Peace Agreement is not only due to the fact, that it ended the war in Bosnia and Herzegovina, but also because it was successful in preserving the integrity of Bosnia and Herzegovina and established the main aspects of the future form of the political system of Bosnia and Herzegovina. A number of problems arose from the strong role the international community played in post-conflict reconstruction. The primary aim of the international community was to preserve the integrity of the country in order to decrease further ethnic tension in the Balkan region. The adoption of consociational mechanisms was crucial for the political system, but further steps were unsuccessful in creating a “functional system, because the consociational mechanisms were not implemented consistently and mechanisms were applied, based on completely contradictory concepts, with a tendency to strengthen central authorities.” (Subašić 2014: 67) Indeed, the Dayton Peace Agreement was truly complex, and all the problems could not have been foreseen in advance. (Cikotić 2006: 289) Its main segments, which enabled post-conflict reconstruction of Bosnia and Herzegovina were: “The military segment; The Constitution of Bosnia and Herzegovina as Annex IV; The segment on the return of refugees — as Annex 7; The segment on the construction of democracy and democratic institutions in BiH.” (Pejanović 2007: 41) The Dayton Peace Treaty was also significantly influenced by the fact that the crucial involvement of the international community and especially U. S. diplomacy and very careful peace-talks preparations were needed for the final agreement between all the warring parties. In the beginning of the 1990s, shortly after the break-out of a bipolar world, the USA or European Community did not have a clear strategy towards disbanding the Socialist Federal Republic of Yugoslavia. From the very beginning, the USA resigned on playing an important role in favour of the European Community. (Kovačević 2007: 79) American involvement slowly changed after Bill Clinton assumed the presidential office. (Waldemberg, 2005: 182) The results of negotiations between Croat and Bosniak delegations, which led to the establishment of the Federation of Bosnia and Herzegovina, can be seen as a first success. This practically terminated the conflict between Bosniaks and Croats and both began to cooperate extensively.¹ (Wagemaker 2006: 289) The first president of the Federation of Bosnia and Herzegovina became Krešimir Zubak, a member of the Croatian Democratic Union of Bosnia and Herzegovina (*Hrvatska demokratska zajednica Bosne i Hercegovine*, HDZ-BiH). Alija Izetbegović, the chairman of the Party of Democratic Action (*Stranka demokratske akcije*, SDA) remained in the office of President of the entire Republic of Bosnia and Herzegovina. The Federation of Bosnia and Herzegovina was a block of Croats and Bosniaks against the Republic of Serbian Krajina, Republika Srpska, and the Autonomous Province of Western Bosnia. (Wagemaker 2006: 232) This agreement was crucial for further negotiations and changed the power balance in the field in favour of Bosniaks and Croats. Together with Operation Storm, the bombing of Bosnian Serb positions by NATO,

resulting in significant losses in the battlefield² during the summer of 1995, this forced the political representation of Bosnian Serbs to be more willing to accept a compromising solution. Together with those problems, the Federal Republic of Yugoslavia was faced with serious economic problems enhanced by economic sanctions, imposed by U.N. and was motivated to have them lifted. Contact group,³ adopted general principles for further peace talks and negotiations on 8 September 1995 and informed the ministries of foreign affairs of Croatia, the Federal Republic of Yugoslavia and Bosnia and Herzegovina of the main principles for further negotiations, which “included recognition of Bosnia and Herzegovina and its borders, the establishment of two entities — the Federation of Bosnia and Herzegovina should comprise 51% of the territory and the Republika Srpska was granted 49% of the territory of Bosnia and Herzegovina, furthermore, the right of the Entities to maintain parallel relations with the neighbouring states, and an obligation to respect human rights.” (Vomlela 2016: 73) The position of the political representation of neighbouring Croatia and the Federal Republic of Yugoslavia, and especially the presidents of Croatia and Serbia, during negotiations in Dayton was a crucial factor for reaching the final peace agreements. Both Slobodan Milošević and Franjo Tuđman had a significant influence on the political representations of Bosnian Croats and Bosnian Serbs during the negotiations and consequently also had an influence on the future political situation in Bosnia and Herzegovina. USA diplomacy also demanded that the presidents Franjo Tuđman of Croatia, Slobodan Milošević of Serbia and Alija Izetbegović of Bosnia and Herzegovina join the negotiations in Dayton personally. (Joksimović 2007: 37) Additionally, USA diplomacy also demanded that the presidents of Serbia, Croatia and Bosnia and Herzegovina come “with full power to sign agreements, without further recourse to parliaments back home” for further negotiations in Dayton. (Holbrooke 1998: 199–200; Vomlela 2016: 74) By doing so, Milošević and Tuđman were able to focus on their own interests to a greater extent than those of Bosnian Serb or Bosnian Croat deputies. (Vomlela 2016: 79) Moreover, the relations between Slobodan Milošević and Radovan Karadžić and the leadership of Republika Srpska were complicated after Republika Srpska’s official rejection of the Vance-Owen Plan. (Caspersen 2007: 634) One of Milošević aims was to also weaken the position of the Radovan Karadžić leadership and the Serbia Democratic Party (*Srpska demokratska stranka*, SDS) politicians based in the eastern part of Republika Srpska. (Prtina 2004: 24) From the early beginning of negotiations in Dayton, the Bosnian Serb delegation was soon in isolation and did not attend the most important parts of the negotiations, with their role being extremely limited. They were informed about the most important matters later. (Holbrooke 1998: 243)

The final agreement was designed to be a compromise, which moreover had to guarantee, that none of the delegation would have the strong feeling that they had either won or lost. (Hladký 2008: 17) The Federal Republic of Yugoslavia was prom-

ised the establishment of the Republika Srpska, Republic of Croatia was promised control and reintegration of its pre-war territory, and the Bosniak delegation was promised the independent and integrated state of Bosnia and Herzegovina. (Cikotić 2006: 287) The final Agreement was agreed on 21 November 1995 and was officially signed by Slobodan Milošević, Alija Izebegović and Franjo Tuđman in Paris 14 December 1995. The final text in the Dayton Peace Agreement which “set in motion an extremely ambitious peace and state-building programme in Bosnia with international actors at the centre of the decision-making process, with varying degrees of involvement though the establishment of a myriad of external organizations...” (Sebastián-Aparicio 2014: 5) The role of the international community and external bodies was in many aspects decisive for the further political development of Bosnia and Herzegovina. Although there was an effort to solve as many problems as possible, many of them still remain. According to Ladislav Hladký, the final text of the Dayton Peace Treaty is a very complicated document, which contents contradictory provisions. (Hladký 2008: 17) For further political developments and other reforms, the ongoing assistance of the international community was crucial and the role of the international community in the decision-making process is still significant.

The development of the political system of Bosnia and Herzegovina

Despite the fact that USA diplomats were convinced of the rapid stabilization of post-conflict Bosnia and Herzegovina under the provisions of the Dayton Peace Agreement, (Hladký 2008: 17) further political development in Bosnia and Herzegovina was rather complicated and most significant problems of multi-ethnic coexistence remained. Among the most important problems faced by Bosnia and Herzegovina were the attitudes of both the neighbouring states towards a multi-ethnic Bosnia and Herzegovina. Franjo Tuđman and Slobodan Milošević, both signatories of the Dayton Peace Agreement, viewed the peace treaty as a temporary, partly enforced, peace and Bosnia and Herzegovina was perceived as a state which would not last all that long. Franjo Tuđman was strongly involved in HDZ-BiH in order to place pressure on the political elites of Bosnia and Herzegovina. He was personally convinced that the internal structure of Bosnia and Herzegovina would necessarily lead to disintegration. (Hladký 2008: 18) Slobodan Milošević perceived Bosnia and Herzegovina in a very similar way, this also being the reason why the Dayton Peace Agreement was ratified by the parliament of the Federal Republic of Yugoslavia after the fall of the Milošević regime in 2002. (Prtina 2004: 25)

Significant problems were also caused by the different expectations and goals of the leadership of the most influential political parties in Bosnia and Herzegovina.

Although the party system can be considered fragmented, the division on ethnic lines still played the most important role in party competition and the ethnic political parties can still be viewed as the most relevant in the party system. The first post-war elections in 1996 were won by identical political parties as those who won the previous elections six years earlier. (Bujdwid-Kurek 2008: 61) The only alternatives to ethnic parties were the post-communists and left-wing parties in Republika Srpska (Šedo 2009: 89), but even those parties were initially considered moderate, only adopting nationalist rhetoric later.⁴ The most important shifts among the political elites were made in order to investigate the charges of particular politicians of war-crimes during the war. Those who were facing war-crime charges in the International Criminal Tribunal for Former Yugoslavia (ICTY) were forbidden to participate in public life. This was the case of Radovan Karadžić, former president of Republika Srpska, who was unable to play an active role in the political life of Republika Srpska. He was able, however, to maintain his influence for several years among some Bosnian Serbs politicians, who were predominantly members of the Serbian Democratic Party. (Šedo 2009: 88)

Political institutions

According to Mate Subašić, Bosnia and Herzegovina is a state with the most complicated political system in Europe with an extremely complex system of institutions at different levels. It is also very difficult to explicitly define what the political form of Bosnia and Herzegovina actually is. In the most important documents and law norms there is no mention of Bosnia and Herzegovina as a “federation, confederation, decentralized state or something different.” (Subašić 2014: 7) Another problem is that “one of its founding documents, called the BiH Constitution, was elaborated by foreign (mostly American) experts and inserted into an omnibus international treaty under the title Annex IV. The text of the new BiH constitution was signed under duress by the leaders of three nationalist parties, each representing a major national group.” (Bebler 2006: 82) The main provisions of Annex IV were also strongly influenced by the idea of consociational democracy, formulated by Arendt Lijphart, who was dealing with divided societies in several segments, which can be understood as different groups of society, with different affiliations such as language, religion, social status. etc. Arendt Lijphart developed the idea of the consociational model of democracy in the late 1960s “as optional for plural (subculture) societies having possibly multiple social cleavages and divisions: religious, ideological, linguistic, cultural, racial or ethnic.” (Orlović 2015: 29) He later revisited this model,⁵ and in his view the most important characteristics are: “1. Executive power sharing in broad coalition cabinets; 2. Executive-legislative balance of power without resigna-

tion of the government; 3. A multi-party system (not two-party); 4. Proportional representation; 5. Interest-group corporatism; 6. Federal and decentralized government. The power is shared between the central (federal) government and the federal units in the composition thereof; 7. Strong bicameralism; 8. Constitutional rigidity; 9. Judicial control (revision); 10. Independence of the Central Bank.” (Orlović 2015: 31) Although many theoreticians of consociational democracy are mostly concerned with internal factors, the involvement of external bodies, who sometimes do not act in line with consensual mechanisms, are an important feature for the political system of Bosnia and Herzegovina.

The political system is still very complicated, and the involvement of outside bodies is inevitable to face serious crises and disputes among the main political parties representing each constitutional nation. According to the General Framework of the Dayton Peace Agreement, Bosnia and Herzegovina is divided into two entities, Republika Srpska and the Federation of Bosnia and Herzegovina, which consists of ten cantons. According to the Dayton Peace Agreement, the future status of Brčko District was to be decided later. International arbitration decided to provide Brčko District with a special status which means that it has its own political institutions and belongs to both entities. From the very beginning, Bosnia and Herzegovina had a very complicated structure, “containing three or four tiers of governance, 13 parliaments, 13 executive branches and about 180 ministries and ministers.” (Bebler 2006: 82) The basic division of the powers among political institutions and the powers of entities and its relations with central authorities are stated in Annex IV of the Dayton Peace Agreement. (Dayton Peace Agreement, www.un.org) The central institutions are weak and ethnic parity among the constitutive nations is required according to the particular ethnic key. The head of the state is a three-member Presidency, where each of the constitutive nations (Bosniak, Serb and Croat) has its own deputy. Ethnic parity is also required in other central institutions: Council of Ministers (*Vijeće ministara*), Parliamentary Assembly (*Parlamentarna skupština*), Constitutional Court of Justice of Bosnia and Herzegovina (*Ustavni sud Bosne i Hercegovine*) and the Central Bank of Bosnia and Herzegovina (*Centralna banka Bosne i Hercegovine*). The Collective Presidency is similar to the institution in Former Socialist Federal Republic of Yugoslavia where a Collective Presidency was introduced, which became official head of state after the death of the Yugoslav President Josip Broz Tito. In the case of Bosnia and Herzegovina, the position of the President of the Presidency also rotates among the Presidency members after eight months.

As mentioned earlier, the constitution also strictly aims at achieving ethnic parity between all of three constitutive nations, which has a significant influence on the scheme of the political institutions and the decision-making process. Bosnia and Herzegovina has two chambers of the Parliamentary Assembly, consisting of the House of Representatives (*Predstavnički dom*) with 42 members, who are elected in Entities.

One third is directly elected in Republika Srbska while two thirds are elected in the Federation of Bosnia and Herzegovina. Upper chamber the House of Peoples (*Dom naroda*) deputies are elected by the parliaments of the Entities. Five Serb deputies are elected by the National Assembly of Republika Srbska (*Narodna skupština Republike Srpske*). Five Croat and five Bosniak deputies are elected by the House of Peoples of the Federal Parliament (*Dom naroda Federacije BiH*). (Parlamentarna skupština Bosne i Hercegovine, www.parlament.ba) In order to avoid exclusion of the deputies from one of the constitutive nations, mechanisms of *checks and balances* were introduced which enable the deputies of each of the constitutional nations to effectively block a decision with respect to their vital interests. (Stanisławski 2009: 39). In such cases the legislative process in that area is blocked until the Constitutional Court of Justice of Bosnia and Herzegovina decides about possible threats to the vital interests of one of the constitutional nations. The Constitutional Court of Justice consists of nine judges. Four of them are elected by the House of Representatives of the Federation of Bosnia and two by the National Assembly of the Republika Srpska. The other three judges are appointed by the President of the European Court of Justice for Human Rights, who consults its decisions about appointments with the Presidency of Bosnia and Herzegovina. When making a decision, he or she is limited by a restriction to appoint new judges who are citizens of the Bosnia and Herzegovina or any of the neighbouring countries. (Bujwid-Kurek 2008: 142) Both Chambers of the Parliamentary Assembly are chosen according to its internal rules one Serb, Bosniak and Croat deputy to become members of the Collegium, with the mandate of the Speaker of the Chamber of Parliament rotating among them. (Bujwid-Kurek 2008: 141) The majority of votes in both chambers is needed in the legislative process and for the decision-making process. In addition, “the majority must reach at least 1/3 of votes of the delegates or members coming from the territory of both Entities.” (Bujwid-Kurek 2008: 141) If this condition is not met, special initiatives to reach the consensus and new voting takes place. The most important is that the decision-making process can be blocked by the majority of the Serb or Croat or Bosniak deputies in the Chamber of Nations if such a majority finds the new law proposal violates the “*vital interest*” of their nation. The commission of the Chamber of Nations is called upon in these cases. The commission must also consist of one Serb, one Bosniak and one Croat delegate to reach a consensus. If the commission does not reach a conclusion over the next five days, the dispute is solved by the Constitutional Court of Justice of Bosnia and Herzegovina. (Bujwid-Kurek 2008: 141)

Entities in the political system

Significant changes in the functioning of both entities were adopted on 27 March 2002 with the signing of the Sarajevo Agreement. The so-called *Magic Formula*, concerning the seats in the governments in both entities was introduced as a result of a political agreement between the Office of the High Representative for Bosnia and Herzegovina (OHR) with the eight most significant political parties across Bosnia and Herzegovina. In the Federation of Bosnia and Herzegovina, eight ministers had to be Bosniaks, five Croats and three Serbs, while in the Republika Srpska it was eight ministerial posts for Serbs, five for Bosniaks and three for Croats. (Kasum 2006: 329) The legislative power is the two chamber parliament in the Federation of Bosnia and Herzegovina, consisting of the lower chamber of the House of Representatives of the Federation of Bosnia and Herzegovina with 73 members elected in a proportional electoral system in 12 constituencies and 25 so-called compensational mandates. The House of Peoples is the upper chamber of the Federation BiH. There are 58 members, with 17 members each for Bosniak, Serb and Croat deputies and 7 more for the other minorities. The deputies are elected indirectly by the Cantons.⁶ (Cabada, 2004: 69) All cantons are “territorial-political units of the dominant national communities. They implement their own educational, cultural, media, housing, land, and social policies, establish and control their own police forces, and even have certain powers in economic policy.” (Kasapović 2005: 4) Each Canton has its constitution and its own political institutions such as governments, parliaments, courts of justice, etc. (Kasapović 2005: 4) The new laws in the legislative process in the Federation of Bosnia and Herzegovina are passed in both chambers. A 2/3 majority of votes must be reached in the case of constitutional law in the lower chamber, while a simple majority is required in the upper chamber along with a majority of the votes from the Bosniak, Croat and Serb deputies. Similarly as in the case of the upper chamber at the state level, the upper chamber of the Federation of Bosnia and Herzegovina also has mechanisms for protecting the vital interests of each of the constitutive nations. (Kasum 2006: 334) The head of the Federation of Bosnia and Herzegovina is also a three-member presidency, where each of the constitutive nations has its own deputy. (Kasum 2006: 334)

The structure of Republika Srpska is less decentralized. The head of the Presidency of Republika Srpska is the President, with two vice-presidents. All of them must represent one of the constitutive nations. The President and Vice-Presidents are elected directly and the candidate who gains the majority of votes is elected as President, while the “Vice-Presidents shall be the elected candidates from the other two constitutive groups who, after the President of the Republic, have received the majority of votes.” (President of Republika Srpska, www.predsednik.net) In comparison with the Federation of Bosnia and Herzegovina, the president of Republika Srpska has

a much stronger position in the entity's political system. The Parliament of the Republic of Srpska is also bicameral, but the power of the lower chamber, the National Assembly, is stronger than that of the upper chamber, the establishment of which was based on a decision of the Constitutional Court of Justice in order to achieve better political representation of the Republika of Srpska's minorities. 62 deputies are elected by a proportional electoral system in the National Assembly, while 21 mandates are redistributed as compensatory mandates. The House of Peoples as the upper chamber has 28 deputies, 8 for each — Serbs, Bosniaks and Croats, and four of them for the other ethnic groups. There are also mechanisms introduced in this chamber to protect the vital interests of one of the constitutional nations. (Hricová 2008: 294)

Research on the party systems is also complicated by the existence and position of the entities. The relevance of even smaller political parties is higher as they have a genuine opportunity to gain power, form the government or be part of a coalition government due to the magic formula on the levels of the entities. (Bujdwid-Kurek 2008: 144) According to Jakub Šedo, research on the contemporary party system of BiH is complicated by the fact that there are actually “two different party systems in the country which meet on the national level.” (Šedo 2009: 87) Despite the fact that there are several political parties, which claim to be multi-ethnic, the strongest position among the party systems still belongs to the ethnic parties, which obtain the majority of votes from one of the ethnic groups. (Bujdwid-Kurek 2008: 144) The division of society along ethnic lines, “with most parties lobbying for their own ethnicity” (Stojarová 2009, 47) still plays a dominant role in the party competition.

The Office of the High Representative for Bosnia and Herzegovina

The role of the Office of the High Representative for Bosnia and Herzegovina (OHR) was crucial for the further political development of Bosnia and Herzegovina. The OHR is not a part of Annex IV, but is part of Annex 10 of the Dayton Peace Treaty. (Kasum 2006: 338) Due to complicated relations between the most significant political parties, the remaining divisions among the main ethnic groups and the problematic implementation of the Dayton Peace Agreement, the situation culminated in extended OHR powers. The so-called “*Bonn Powers*” were a result of the Bonn Conference of the Peace Implementation Council which gave the OHR power to ban politicians from their public offices, freeze the financial assets of the political parties and large legislative powers. (Kasum 2006: 337) The conference also resulted in the approval of temporary laws and other norms which OHR considers inevitable in light of the political stability. The Parliamentary Assembly of Bosnia and

Herzegovina approved 391 laws between 1998 and 2008, while 112 of them were approved by OHR and the Parliamentary Assembly approved them later. (Marković 2012: 315) Among the most significant decisions the OHR made were “adopting very important laws such as, the establishment of the Central Bank of Bosnia and Herzegovina, introducing a single currency (a convertible mark), about the state symbols of Bosnia and Herzegovina, common passports and common border control, etc.” (Hladký 2008: 22) The most important issues arose with the tendencies of disintegration and revisionist attitudes towards the Dayton Peace Treaty among the leadership of the most important political parties. The former president of Republika Srpska, Nikola Poplašen from the Serbian Radical Party was banned in 1998 by OHR Carlos Westendorp, for “ignoring central institutions and refusing to cooperate with the international community.” (Kasum 2006: 337) The leader of HDZ-BiH, Ante Jelavić, called for a referendum in the Croat-inhabited parts of Bosnia and Herzegovina in 2001 in order to create a third (Croat) entity. The referendum turnout was 70 % of registered voters, with nearly 100 % approving its proposal. The response of OHR was to ban Ante Jelavić from the office of the member of the Presidency of Bosnia and Herzegovina and at the same moment HDZ-BiH had its financial assets frozen. (Kasum 2006: 337) Bosnia and Herzegovina is currently facing a demand for an independence referendum by the leadership of the most influential political party in Republika Srpska the Alliance of Independent Social Democrats (*Savez nezavisnih socijaldemokrata*, SNSD), led by the current president of Republika Srpska Milorad Dodik, who decided in 2006 to “seize the idea of an RS referendum, to dominate political discourse in the entity and consolidate his power”. (Toal 2013: 8) This strategy brought an SNSD victory in the parliamentary election in 2006 and the party replaced the Serbian Democratic Party in the position of the strongest party in Republika Srpska for the first time. (Toal 2013: 8) The referendum issue was a quite risky matter which could provoke reactions from the side of the OHR or Bosniak or Croat parties and the political representatives from the Federation of Bosnia and Herzegovina. According to Gerard Toal, however, he acted in more of a rhetorical way and did not make more tangible attempts to call the referendum. By doing so, he could easily “test” the contradictory reactions coming from mostly Bosniak parties and test the counter-reaction of OHR, which “could not easily justify sanctions against Dodik” without further steps to call the referendum. (Toal 2013: 16) The referendum issue is even more relevant after Montenegro independence after the referendum in 2006 and after the Kosovo independence declaration in 2008 in particular. Although Milorad Dodik did not abandon the idea of an independence referendum in his rhetorical practice, the OHR forced him to be more tactical to a greater extent and cooperate more with the representation of the other constitutive nations on different state levels. The powers of the High Representative for Bosnia and Herzegovina were crucial for the further political development and stability of

Bosnia and Herzegovina. According to Mate Subašić, his future role as a guarantor of the stability of Bosnia and Herzegovina is inevitable. The most important reason for this is that the OHR “became part of the political system.” (Subašić 2015: 75)

Conclusion

The signing of the Dayton Peace Agreement might be seen as a political success, mainly because it ended the several years lasting conflict in the territory of the former Socialist Federal Republic of Yugoslavia, and to some extent helped stabilize certain parts of the Balkan region. Although there are a number of problems, which remain up until now, many of them could not have been foreseen in Dayton. The Dayton Peace Agreement did not concern certain other parts of former Yugoslavia, which were also problematic such as Kosovo, but those negotiations could potentially threaten the results concerning Bosnia and Croatia. The most important issues concerning Bosnia and Herzegovina and the coexistence of Bosniaks, Croats and Serbs, three constitutional nations living in this former Yugoslav Republic were an awareness of the complexity of problems in attempts to reintegrate Bosnia and Herzegovina and a guarantee of political stability in the former Yugoslav republic. Progress in implementation of the main provisions of the General Framework of the Dayton Peace Agreement was insufficient from the very beginning, with this being the main reason for increasing the role and power of the Office of the High Representative of Bosnia and Herzegovina which become a crucial actor in the most important matters. Although the role of OHR was supposed to be limited and OHR was supposed to be “above” the political system, the reality of OHR demonstrates that the Office of High Representative for Bosnia and Herzegovina is a very important part of the political system, which guarantees the status quo between particular political parties and their interests. Although the activities of this institution can be perceived from very different angles, the most important steps towards stabilization and post-conflict reconstruction of Bosnia and Herzegovina were successfully achieved, although the question of the future form of the political system of Bosnia and Herzegovina is still open. Bosnia and Herzegovina is still a very divided society, where ethnic division plays a strong role in the party competition with a complicated political system and where the most important political parties have incompatible visions about the future form of the political system in Bosnia and Herzegovina.

Notes

- ¹ An exception were military troops controlled by Fikret Abdić, who established the Autonomous Province of Western Bosnia in 1993, with its capital in Velika Kladuša, in the western part of Bosnia. The Autonomous Province of Western Bosnia signed a cease-fire with Republika Srpska and fought against the Bosniak Army of Bosnia and Herzegovina.
- ² From the early beginning of the war in Bosnia and Herzegovina, political representation of Bosnian Serbs soon controlled about 70 percent of the entire territory of Bosnia and Herzegovina.
- ³ Contact Group consisted of political representations of USA, Russia, Great Britain, France and Germany.
- ⁴ The most significant party was Alliance of Independent Social Democrats (SNSD) a political party with post-communist roots. Its leader, the President of Republika Srpska openly supports independence referendum in Republika Srpska. (Toal 2013)
- ⁵ Arent Lijphart came up with the term Consensus Democracy, which has been criticised by many political scientists. (see e.g. Bauerová 2013: 8)
- ⁶ There are ten cantons, where five of them are predominately Bosniak: Sarajevo kanton, Bosansko-podrinjski, Tuzlanski, Zeničko-dobojski and Unsko-Savski. Three Cantons are Croat (Livanjski, Zapadnohercegovački and Posavski) and two other: Srednjobosanski kanton and Hercegovačko-neretvanski kanton are considered Bosniak-Croat Cantons. (CABADA, 2004: 69)

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