

Which Cleavage Matters? A Critical Assessment of Importance of Ethnic Cleavage in Bosnia and Herzegovina

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Bosnia and Herzegovina¹ exemplifies a type of ethnic diversity where several historical ethnic groups constitute and jointly run the state, without any of them having a clear numerical or political dominance. This type of ethnic diversity is atypical for Europe where most states developed around a single core constitutive ethnic group. In other words, cases like Bosnia and Herzegovina illustrate the limits of the nation state model, since in these cases state identity cannot be built around a single ethnic core group. Instead, these states balance between recognizing several diverse ethnic identities while aiming still to tie those distinctive groups to the common political project. I focus on three constitutive ethnic groups (constitutive peoples) of Bosnia and Herzegovina: Bosniaks, Croats, and Serbs, examining how collective ethnic rights are secured, implemented, and internalized by the political system and society at large. I do not start with the assumption of deep ethnic divisions in the country. Instead, I investigate where ethnic grievances and ethnic issues more broadly get prominence, and how the current system of protection of collective ethnic rights affects the salience of ethnic issues and both ethnic accommodation and ethnic polarization. In the process, I reveal the underlining principles on which political system is built, and challenge the overarching importance of ethnic cleavage.

This paper is roughly divided in three parts. In the first part, I focus on structural factors, providing more information about larger historical and institutional contexts that should be taken into consideration when discussing collective identity categories in Bosnia. I present a short history of ethnic relations and ethnic politics in the country, and the current institutional framework, developed by

¹ I use several ways to refer to the country: Bosnia and Herzegovina, Bosnia, and BiH.

applying the principles of consociationalist theory. The second part focuses on political agency, introduced through the semi-structured interviews conducted during the fieldwork in Bosnia and Herzegovina in 2016. Using the interview data, I critically examine the salience of ethnic cleavage, focusing in particular on the use of collective ethnic rights. I finish the paper with an overall assessment of the state of ethnic accommodation and confrontation in the country.

This paper is a part of the larger project that investigates effects of different models of ethnic empowerment in contemporary Europe. I focus on protection of ethnic identities using collective ethnic rights, investigating their effects. Bosnia and Herzegovina is a case of ethnic power sharing regime, focused on protection of several ethnic identities coexisting in the country.

History of Diversity

Historically, Bosnia and Herzegovina was recognized as a multiethnic unit, without a single dominant ethnic group.² Instead of one, it is identified with three ethnic groups: Bosniaks, Croats, and Serbs, with none of them reaching numerical dominance. The main distinguishing characteristics among these groups is religion, but since the 1990s the common Serbo-Croatian language was divided into three, creating another official point of difference. Prior to 1990s, Bosnia did not have modern experience with political independence since last Bosnian state was a medieval kingdom. Since the middle ages the territory of Bosnia and Herzegovina was a part of different larger multiethnic empires and states: Ottoman Empire, Austro-Hungarian Empire, and Yugoslavia.³ Despite the lack of independent statehood, the region of Bosnia and Herzegovina was commonly recognized as a single unit, comprised of two geographical regions (Bosnia, Herzegovina), and without dominant ethnic/religious group. The data from different population censuses confirm this: Bosniak and Serb groups are significantly larger, Croat group is

² C.f. Bieber 2006, Hajdarpasic 2015

³ Yugoslavia itself passed through several regime changes (Kingdom of Serbs, Croats, and Slovenes since 1918, Kingdom of Yugoslavia since 1929, and socialist Yugoslavia after WWII). In the period of WWII, the territory of Bosnia and Herzegovina was incorporated into Nazi-supported Independent State of Croatia (NDH).

smaller, and their presence is historically associated with different parts of the country.⁴ Prior to the war (1992-1995) the population was ethnically very mixed, especially in urban areas. Bosnia had relatively low interethnic boundaries, so interethnic communication, marriages, and identification with Yugoslavian supra-ethnic identity were relatively high. Nowadays ethnic demographics shows homogenization for each ethnic group within territories where they are majorities.

Bosnia's ethnic diversity was traditionally recognized as politically relevant, and throughout its history different institutional arrangements were accounting for the fact that population is not ethnically homogeneous. The Ottoman Empire used the millet system for structuring relations with non-Muslim communities that were allowed a degree of self-governance in religious and cultural matters, but without equality with Muslim population. Under the Austro-Hungarian rule, the first elections were held in 1910 with reserved seats in the assembly for groups identified by their religious affiliations, and with system of rotation in high offices.⁵ In the first Yugoslavia (prior to WWII), there were no mechanisms in place securing political positions for different groups, but different communities tended to vote for different political parties, securing their political voices to be heard.⁶ The communist Yugoslavia used the 'brotherhood and unity' as its motto, and recognized ethnic diversity in the country as its core value. During the WWII, while organizing resistance and planning the future organization of the country, the State Antifascist Council for the National Liberation of Bosnia and Herzegovina (ZAVNOBIH) has formally embraced equality among different communities, explicitly mentioning Serbs, Muslims, and Croats. The resolution from the first assembly of ZAVNOBIH in 1943 has stated that Bosnia and Herzegovina 'is not Serb, nor Croat, nor Muslim, but Serb, and Muslim, and Croat...' confirming importance and inclusion of different communities in the governance of the country.⁷ Throughout the

⁴ Data in Woodward 1995, Bieber 2006. One should keep in mind that 'Muslim' as a national identity marker was not recognized in Yugoslavian censuses prior to 1961. Censuses from late 19th and early 20th century used religious affiliation as distinguishing characteristic. Data from the census 2013 are available online at www.popis.gov.ba/popis2013 [retrieved May 18th 2018].

⁵ The assembly had 31 seats reserved for Serbian Orthodox Christians, 24 for Muslims, 16 for Catholics, and 1 for Jews (Bieber 2006: 7). See also Marko 2000.

⁶ Bieber 2006: 8-9

⁷ The Assembly was held on 25-26 November 1943 in Mrkonjić Grad, Bosnia and Herzegovina. During the interviews, several respondents from the local academic community invoked this document, referring to the legacy of inclusiveness in treatment of ethnic identity without advocating assimilation (interviews #13, Sarajevo, 08/27/2016; #24, Banja Luka, 09/12/2016).

period of the second Yugoslavia (post WWII), the communist leadership of Bosnia and Herzegovina was using the ‘national key’ for different political positions in the republic. However, its application was not based on legal enforcement, it was not applied at all costs, and it was applied together with the ‘social key’ that aimed for equal representation of social categories (e.g., women, workers, youth, intellectuals).⁸

Historically, interethnic relations were not always harmonious, but interethnic conflict was not constant either (Kaplan 1993). To begin to understand why interethnic relations would be strained between different ethnic communities, one should keep in mind that Bosnia and Herzegovina was a part of different multiethnic states and empires, it was usually ruled from a distant center that favored (more or less openly) a single ethnic group, thus fostering divisions and ethnic grievances.⁹ Looking at the more recent history, during the WWII, the fight against fascism and Nazi occupation happened in parallel with the ethnic fighting, where different ethnically-identified military groups targeted civilian population belonging to opposite ethnic communities. After the WWII, the communist leadership of the country tended to present all ethnic crimes in the negative light since they were going against the official multiethnic ideology of brotherhood and unity. However, those crimes were not openly discussed, leaving the grievances associated to them open for later opportunistic ethnic mobilization, that occurred in the 1990s and is still regularly used today. Nowadays in Bosnia, local media and politicians regularly contribute to memorialization of these crimes, and political leaders use them to ethnically mobilize their voters.

The treatment of ethnic diversity in Bosnia today is heavily influenced by the previous war (1992-1995), and the peace agreement that established current institutional arrangements for managing ethnic diversity in the country through consociationalist ethnic power sharing. While tackling the causes of conflict is beyond the scope of analysis here, several factors should be noted, among them the breakup of Yugoslavia, as well as a failure of the winners of the first post-communist multiparty election in Bosnia and Herzegovina to reconcile their diverging political goals and visions of the country. Important

⁸ Pearson 2015

⁹ Hajdarasic 2015, Wachtel 1998, Malcolm 1996, Bieber 2006

to note is that winners of the first elections of 1990 were ethnic political parties claiming to naturally represent interests of their ethnic constituencies, and those political parties still play important role in the country today.¹⁰

Institutional Framework and Ethnic Identity

The current institutional framework of Bosnia and Herzegovina is a product of international peace settlement, Dayton Peace Accords, that ended the war in 1995, with the constitution itself being one of its annexes (Annex 4). As with any peace settlement, its primary focus was on ending the conflict, creating political structure that was acceptable to all the sides involved in conflict in order to secure that the agreement is actually reached. Aiming to reconcile widely different political goals, the peace accords has established Bosnia as a very decentralized and asymmetrical state, putting primary focus on ethnic dimension of politics and relations between three constitutive ethnic groups in the country. The constitution confirmed division of the country into two entities (Republika Srpska and Federation of Bosnia and Herzegovina), focusing on state-level institutions, aiming to secure political representation, voice, and protection for all three constitutive groups at the state level. The institutional design for governing relations between Bosniak and Croat groups within the Federation BiH relies on the previous agreement, the Washington Agreement from 1994, that ended fighting between Bosniak and Croat military forces, and institutionally established decentralized governance of the territory of Federation BiH.¹¹ Opposite to this, Republika Srpska is relatively centralized, being governed from a single center.

The Constitution identifies three constitutive peoples, Bosniaks, Croats, and Serbs, confirming that Bosnia is a pluralist society, and confirming its territorial division into two political entities, associated with different constitutive peoples. Throughout the Constitution, the collective categories of

¹⁰ Bieber 2014, Stojanović 2014, Kapidžić 2014

¹¹ The Agreement refers to the 'territories with a majority of Bosniak and Croat population in the Republic of Bosnia and Herzegovina' (I. Establishment, Washington Agreement).

constitutive peoples have the central place, since identification with some of these groups is tied to a number of political offices. Furthermore, entities are clearly identified as main political components of the country since most of policies are managed at the entity level, and the responsibilities of state institutions are limited to a few domains, mostly related to different aspects of international affairs and monetary policy, but allowing consensual future strengthening of these institution.¹² The ethnic dimension is present in all branches of the government. The parliamentary assembly of BiH comprises of two chambers that together approve all legislation. The lower chamber (House of Representatives) distributes seats on the entity level, while the upper chamber (House of Peoples) guarantees equal number of seats, five, for each of constitutive peoples.¹³ The Constitution establishes collective Presidency, consisting of three members: one Bosniak and one Croat elected from the territory of Federation BiH, and one Serb elected from the territory of Republika Srpska, who should act by consensus.¹⁴ Additionally, Bosnia and Herzegovina also has the Council of Ministers, with the chair nominated by the Presidency, where no more than two-thirds of all Ministers may be appointed from the territory of the Federation BiH, and where each Minister has Deputy Ministers from other constitutive peoples.¹⁵ Finally, members of the Constitutional Court are selected by the entities: the House of Representatives of the Federation and National Assembly of Republika Srpska (in total 6 judges, 2 from each ethnic group), with additional judges selected by the President of the European Court of Human Rights (3 international judges).¹⁶ Politically, this institutional framework keeps ethnic dimension salient, effectively preventing political actors to move away from it (which was also confirmed during the interviews).

The consociationalist institutional design does not only rely on ethnicization of political positions, but it adds additional elements to prevent the possibility that any group dominates the others. Grand interethnic governing coalition is secured in all government branches through ethnic quotas. The

¹² Constitution, Article III, 1.

¹³ Constitution, Article IV, 1, 2.

¹⁴ Article V.

¹⁵ Article V, 4.

¹⁶ Article VI.

constitution has also established the ethnic veto mechanism by allowing to both the Parliamentary Assembly and the Presidency to veto any proposed decision or bill by declaring it destructive for the vital interest of any of three communities (but without clearly defining what those interests include).¹⁷

Proportionality is used in the electoral system, but also as a principle for employment in political institutions at the state level. Finally, territorial autonomy for ethnically defined segments is achieved by placing majority of political power to the entity levels. In practice, however, this turned to be a contentious issue in the Federation BiH, where the numerical disproportion between Bosniak and Croat communities has led to accusations of majorization of Croat constitutive peoples.¹⁸

Bosnia and Herzegovina with its complex institutional structure emerged as a relevant topic for study in political science (especially among scholars interested in conflict and post-conflict dynamics), and since the 1990s a large academic literature was produced discussing this case. This vast literature usually aims to analyze functioning of the political system, assessing its success – not only in stopping the war but also in terms of creation of a functional state, capable of overcoming ethnic divisions, dealing with war crimes and reconciliation. Some authors analyze the role of international actors in the process of peace building, focusing in particular on negative aspects of international involvement that effectively make Bosnia the protectorate, at the same time marginalizing local voices and removing responsibility for compromise and actual governing of the country from the local political elites.¹⁹ Other scholars focus their critique on the political institutions themselves, analyzing different aspects that foster discords, and lack of efficiency in governing, while keeping ethnic confrontation alive.²⁰ Finally, some scholars investigate how political elites produce and use competing and divisive ethnic narratives and frames that are commonly adopted in Bosnian politics.²¹ These criticisms are connected, since they share the common focus on political elites and political institutions, providing less insights into how existing institutional

¹⁷ Article IV, 3e (for the Parliamentary Assembly) and Article V, 2d (for the Presidency).

¹⁸ Detailed analysis in IDPI 2016.

¹⁹ C.f., Bose 2002, Chandler 1999, Knaus and Martin 2003, McEvoy 2013, Zahar 2005, Domm 2007, Richmond and Franks 2009, Keranen 2013.

²⁰ C.f., Bahtić-Kunrath 2011, Belloni 2004, Bieber 2006, Stroschein 2003, 2014, Zahar 2005, 2008.

²¹ C.f., Keranen 2013, Ivie and Waters 2010, Moll 2013, Mujkić 2007.

framework affects lives of the general population living in Bosnia and Herzegovina. My focus on collective ethnic rights allows to address the issue of how ethnicization of politics through collective ethnic rights affects politics and population at large.

Collective ethnic rights are group-specific measures aimed to accommodate national and ethnic differences.²² The protection of ethnic difference starts with the assumption that in some situations in the countries characterized by ethnic diversity, protection of individual rights is not sufficient to guarantee equality among all the citizens, and collective rights based on individual belonging to a particular group are needed. These rights come in different forms, and we distinguish between rights to collective representation (or, ethnic quotas), territorial self-government (or, ethnic decentralization), and cultural rights.²³ Bosnia and Herzegovina is one of few countries in Europe that simultaneously use all three different types of collective ethnic rights in order to politically protect ethnic differences among constitutive ethnic groups. Such protection was instituted at the end of the civil war, so the focus on collective identity and protection against political domination of one group over the others was a logical intention behind the system of collective ethnic rights. However, what emerged is a political system that disproportionately benefits ethnic political elites, while the benefits for the population of the country at large, both identifying with one the constitutive peoples or not, is less clear. Two of collective ethnic rights (ethnic quotas to guarantee ethnic representation in different political offices, and territorial self-government that is achieved through decentralization along ethnic lines) focus primarily on distribution of political power, and have special importance for political elites. The third type of collective ethnic rights emphasizes the need to protect cultural difference between ethnic groups through cultural rights. In principle, protection of cultural difference should not have special importance for political elites, since they aim to benefit members of culturally differentiated groups, and signal state's dedication to safeguard its multiethnic character.

²² Kymlicka 1995: 27.

²³ Kymlicka (1995) calls them special representation rights, self-government rights, and polyethnic rights. Ghai (2002) names them communal representation, territorial autonomy, and cultural autonomy.

Interview Data

In order to analyze perceived effects of collective ethnic rights on ethnic accommodation and ethnic confrontation I rely primarily on the information gathered through semi-structured interviews, conducted in Bosnia and Herzegovina (Sarajevo, Banja Luka, and Mostar) during the summer-fall 2016. The respondents were selected to represent variety of voices involved with different aspects of ethnic politics, and dealing in some way with collective ethnic rights, including political parties, civil society organizations,²⁴ international actors, and local political analysts and academics. The interviews were semi-structured, focusing on collective ethnic rights and their effects, interethnic relations in the country, presence of discrimination, roles played by political institutions and CSOs in managing ethnic cleavage, major grievances, and collective identifications. The diversity among actors allowed me conclude whether their positions (inside or outside of the political system) and their views on the benefits from collective ethnic rights, affect the assessment of the situation. I find that actors within the political system use ethnic lenses to approach and discuss all political issues, while most of other actors focus on other cleavages, making a distinction between the positions and benefits for political elites and the rest of the population. This distinction is sometimes presented as a matter of access to the resources and power (including corruption) and other times in terms of class politics.

Ethnic Cleavage, A Critical View

Ethnic categories are constitutive part of institutional framework in the country, since ethnic identification and location within the country determine who is eligible to run for particular political office. In practice, political parties usually compete only for the votes within their ethnically defined constituencies. Even

²⁴ Several large CSOs declined the invitation for an interview explaining it with the change of their focus away from ethnic politics, indicating that political centrality of ethnicity is normalized.

those parties that officially indicate that they want to appeal to voters irrespective of their ethnic background, de facto appeal to the voters from one group only, since any political party will position itself in line with ethnic political interests of one group (for example, the calls for removal of ethnic accommodative measures and move towards majoritarian system benefits primarily the largest group). In other words, the institutional context makes political system the ethnic system, keeping ethnic cleavage politically salient.²⁵ However, this does not indicate that other cleavages are irrelevant for the country at large, despite the fact that they stay outside of the political focus. I first look into positions of political parties, followed by other actors outside of political system.

During the interviews with different Serb ethnic parties, they all expressed support for the current institutional structure and Dayton Peace Accords, which is connected with the recognition of Republika Srpska as de facto Serb part of Bosnia and Herzegovina. Typical position of these parties is against centralization, which is interpreted as an attack on Republika Srpska, while other ethnic groups (their parties) are seen with suspicion. The most extreme position is taken by the *Alliance of Independent Social Democrats* (SNSD), the ruling party in Republika Srpska. During the interview, their representative explicitly rejected any suggestion that under some conditions some issues might be better organized at the state level, which is also confirmed in the party documents.²⁶ Some Serb ethnic parties recognize that divisive rhetoric is a problem: less nationalistic *Party of Democratic Progress* (PDP) stated that ethnic divisions are problematic, and even representative of nationalistic *Serb Democratic Party* (SDS) commented about the need to reaffirm multiethnic tradition in Bosnia and Herzegovina, but concrete actions are mostly lacking.²⁷ The Croat ethnic group is the smallest in the country, exhibiting the least political pluralism (especially at the state level), where all major Croat ethnic parties campaign together to secure that political positions reserved for Croat constitutive people go to their ethnic representatives. The main Croat ethnic party, *Croat Democratic Union of BiH* (HDZ BiH), emphasizes that Croat people in

²⁵ This was discussed in the conversation with the representative of Sarajevo-based NGO Analitika (interview #26, Sarajevo, 09/14/2016).

²⁶ Interview #25, Banja Luka, 09/12/2016.

²⁷ Interview #1, Banja Luka, 08/18/2016, Interview #16, Banja Luka, 09/02/2016.

Bosnia and Herzegovina enjoy less collective rights and are in danger to be dominated by larger Bosniak group in the Federation BiH and on the state level, due to the possibility to elect as representatives of Croat ethnic group individuals that, despite declaring themselves as Croats, are not identified with Croat ethnic parties, and are elected with Bosniak votes.²⁸ Consequently, HDZ BiH supports further links between ethnic identity and political rights, including tying Croat political rights to a particular territory where Croats are majority, thus securing that their political party could effectively get its representatives elected in the positions of political power.²⁹ Bosniak parties confirm that collective ethnic rights are important and should be safeguarded, but also call for further centralization of the country, justifying it with two reasons: increased efficiency in governing, making the country more appealing to foreign investors and better suited for the accession to the EU, and also in order to create some form of common identification with the country as the whole, which is currently lacking. The interview with the representative of the ruling Bosniak ethnic party, *Party of Democratic Action (SDA)* confirms this position.³⁰ The positions of nominally non-ethnic parties, such as *Social Democratic Party of BiH (SDP BiH)* and *Democratic Front (DF)* follow similar position on institutional reform, adding the need to move away from divisive rhetoric of nationalistic politicians as an additional reason to discard collective rights and focus on individual rights.³¹ This criticism coming from non-ethnic parties is understandable, but it disregards the fact that their proposals are identified as support for a single ethnic group, and that largest Bosniak group would benefit the most from the change towards more majoritarian political system.³² It comes as no surprise that these non-ethnic parties are seen with suspicion from the members of other constitutive ethnic groups, Serbs and Croats.

²⁸ During the general elections in 2006 and 2010, the position of Croat member of the Presidency was won by Željko Komšić, representing Social Democratic Party of BiH (SDP BiH). Croat political elites hold grievances about this election, which in their position was stolen by non-authentic representative of Croat people (e.g., Institute for Social and Political Research, IDPI, interview #20, Mostar, 09/07/2016).

²⁹ Interview #34, Banja Luka, 09/23/2016

³⁰ Interview #23, Mostar 09/09/2016.

³¹ SDP BiH (interview #21, Mostar 09/08/2016) and DF (interview #11, 12, Sarajevo, 08/26/2016).

³² This is largely recognized by political actors and others who follow politics in Bosnia and Herzegovina. It was explicitly mentioned during the interviews with SDA (their representative counted SDP BiH, DF, and Our Party - another smaller nominally non-ethnic party – among their intraethnic competitors), SNSD, and OHR.

These positions illustrate the difficulty to achieve institutional reform in Bosnia and Herzegovina, where institutional changes require intergroup consensus. It is highly unlikely that the parties that see their political interest in widely opposite ways will manage to find an agreement about the institutional reform reconciling their positions. All political parties extensively comment how their national interests are under threat, and they use fear of political exclusion and ethnic polarization as common tools to mobilize voters. Collective ethnic rights protected through institutional framework allow all political actors to generate political power referring to ethnic categories and ethnic threats. Since parties compete for political power within ethnically defined constituencies, they present politicians from other constitutive peoples as threat due to their opposite political goals, especially in the domain of constitutional order and territorial organization of the country. The ethnic approach is the cheapest way to mobilize voters without showing any specific results, focusing on the use of polarizing nationalistic rhetoric, and blaming other side(s) for existing problems and increased interethnic tensions.

This logic was confirmed by observations during the fieldwork in Bosnia and Herzegovina, in summer-fall 2016, during the campaign for local elections. The expectation from local elections would be to focus on local issues and problems relevant for different municipalities, where ethnic dimension should play minimal role, mainly due to the ethnic homogenization of almost all localities in the country. However, the campaign was quickly overshadowed by the dispute about the National Day of Republika Srpska, which was ruled as unconstitutional by the Constitutional Court on request to assess its constitutionality by the Bosniak member of the Presidency and the leader of the SDA, Bakir Izetbegović. The main claim was that the date of celebration, January 9th, was discriminatory for non-Serbs since it marks an Orthodox Christian holiday, and it is tied to the Serb secessionism from 1992. The authorities of Republika Srpska contested the Court decision, and declared that they will organize a referendum and ask people in Republika Srpska whether they support changing the date of the existing holiday. The ethnic tensions were constantly rising as it was unclear whether the referendum will actually take place, how, and with which consequences. Despite the fact that I haven't asked anything about the referendum, most

of my respondents commented on the topic, usually using it to illustrate constant salience of ethnic tensions. The main effect achieved with the referendum issue was to move the campaign rhetoric in the realm of divisive ethnic politics rather than to discuss other issues relevant for local elections, deflating attention from the pressing (mostly economic) problems in different localities in the country that are unrelated to collective ethnic rights and vital national interests.

Political parties functioning within the institutional framework do not show real alternative to ethnic divisions and ethnic politics. This changes once we look at the actors outside of formal political system. Most respondents noticed and commented on different interests and positions among political elites (independently of their ethnic identification) and the population at large. This cleavage is noted by almost all actors outside of political system, and is occasionally mentioned also by political parties, mainly those in opposition. When discussing interethnic relations in the country, most respondents emphasized the key role of political leaders, stating that politicians can do much to improve things by moving away from divisive issues, while in practice they often increase these tensions to distract attention from other issues where they show less success. Opposite to this, representatives of most political parties stressed that interethnic relations can only be improved with the passing of time, and with economic growth that could improve overall situation in the country, including interethnic relations. In general, they avoided their own role in managing interethnic relations, and when they commented on the role of political elites, that would be in order to point out how politicians coming from other ethnic group(s) are acting as spoilers: the representative of SDA commented how Milorad Dodik (the leader of the SNSD and the President of Republika Srpska at the time) will do anything to stay in the position of power, also at the cost of interethnic tensions, while the representative of SNSD focused on the risk of Islamic terrorism, connecting it directly to the Bosniak ethnic group, stating that ‘there is no Serb and Croat terrorism; not a single terrorist attack came from Serbs and Croats in BiH.’³³ Local politicians are aware of the benefits that come with the emphasis on negative nationalistic discourse, and they are aware that this is a common

³³ Interview #25, Banja Luka, 09/12/2016.

occurrence, but they always stress that others are doing that rather than themselves.³⁴ At the same time, there is almost unanimous opinion among political parties that one should not discuss issues related to the war and reconciliation, usually emphasizing that everyone collectively should ideally move away from painful and divisive issues, focus on things that everyone can agree on (i.e., need for economic growth), and that reconciliation will happen with the passing of time.³⁵ The actors outside of the political system were divided on this issue, some of them seeing the necessity to deal with previous war crimes so that people can move away from thinking in collective terms and focusing on their own victimization.³⁶ Some actors were apprehensive that much time has already passed since the end of the war, and the opportunity to achieve wide societal reconciliation through the mechanisms like truth commission is mostly lost. The need for reconciliation still seems like a logical approach, especially given that even the crimes committed during the WWII are still commonly used for nationalist mobilization around the country. Still, there is almost complete absence of institutional dealings with the issues of reconciliation, implying that unresolved instances of previous crimes could be still used for political mobilization in the future. Even during the interview with the representative of SNSD, mentioning of genocide in Srebrenica was quickly followed by discussion about Jasenovac concentration camp and the Serb victims killed there during the WWII.³⁷ The logical conclusion is that political actors are well aware of the possibility to use war crimes against their own group for political mobilization, and they deliberately avoid to work on reconciliation, considering possible benefits of keeping these issues controversial and unresolved.

The political pressure to present interethnic relations as bad as possible is widely recognized, since in discussion about toleration, many respondents located problems primarily at the elite political level, recognizing that general situation among population is not too bad (especially given the recent war),

³⁴ For example, both representatives of DF and SDS made this point during the interviews.

³⁵ The representative of SDP BiH was the only one that mentioned lack of initiatives to recognize the crimes committed by your own side as a problem for reconciliation.

³⁶ Association for Social Research and Communications (UDIK) that focuses on research on war crimes and human rights violations provided a lot of information illustrating focus on one's own victims and denial of one's own crimes as a common situation in Bosnia (interview #6, Sarajevo, 08/24/2016).

³⁷ Interview #25.

and that interethnic incidents and hate crimes are decreasing over time.³⁸ However, everyone is aware that toleration towards ethnic diversity in Bosnia today happens in the context of mostly ethnically homogenous territories, where members of different groups (other constitutive peoples and minorities) are not very visible and cannot be perceived as real threat. At the same time, population at large has less opportunities to be in contact with members of other ethnic groups, which could decrease prejudices and biases towards ethnic others, while positive examples of interethnic toleration and cooperation are rarely publicized.³⁹

While politicians and media focus on ethnic issues, the discussion about the main problems in the country has shown that non-politicians rarely see issues tied to protection of ethnic/national interests as the most pressing problems in the country. Almost all respondents (with exceptions coming from political parties) have listed as the most pressing problems in the country unemployment, poverty, crime, corruption, and rule of law, which are all problems that affect population at large, independently of their ethnic identification. Respondents commonly commented on difference between these ‘real issues’ and ethnic issues which are pushed forward by the media and political elites.⁴⁰ There was a virtual consensus among all the respondents outside of politics judging that the benefits from the current system of collective ethnic rights are disproportionally going towards political elites in power (this was also confirmed by several political parties). Collective ethnic rights are commonly perceived in terms of ethnic quotas and distribution of political power, therefore as something relevant for the politicians. Additionally, politicians benefit from the current ethnic system, since it provides constant excuses for any failure to achieve political goals, blaming it on the other group(s) and eliminating their own responsibility for the situation in the country. Keeping ethnic tensions alive is used as a mechanism of control against alternative discourses that put other issues and problems at the forefront. Physical separation between

³⁸ This was confirmed in conversation with Human Rights Ombudsman, who discussed different grounds for complaint and discrimination that are filed with their office (interview #14, Banja Luka, 09/01/2016).

³⁹ As stressed in the interview with the representative of OSCE.

⁴⁰ The respondent from the Center for Human Rights at the University of Sarajevo distinguished between the real agenda dealing with real problems relevant for the population at large, and the fake agenda where all political attention is focused and which deals with ethnic issues (interview #5, Sarajevo, 08/24/2016).

ethnic groups, which is the consequence of the war, has facilitated ethnic control since it helps to foster biases and to present members of other ethnic groups and their political leaders in highly confrontational and threatening terms. All this together works to suppress other frameworks of engagement with politics that fall outside of ethnic divisions.

Ethnic Quotas, Empowering Ethnic Voices

The first type of collective ethnic rights used in Bosnia and Herzegovina regards special representation rights for different ethnic groups, which are secured through ethnic quotas, explicitly defined for three constitutive peoples for legislative, executive, and judicial government branches at the state level.⁴¹

Ethnic quotas are also used for employment in public administration in the institutions at the state level.

The primary intention of ethnic quotas in Bosnia is not to secure political voice and representation per se, but to secure parity between three constitutive peoples and to act as protection against domination of one group over the others, and is a vital part of ethnic power sharing regime. The presence of ethnic quotas pushes political system towards communal ethnic identification, where each politician is primarily seen as a representative of his/her ethnic group rather than as an individual with specific interests, preferences, and political agenda. I address several issues relevant to judge the effects of ethnic quotas in Bosnia and Herzegovina. First, I assess rigidity of the existing ethnic quota system, and whether it allows flexibility in individual ethnic identification. This issue is connected to the larger question tackling the meaning of ethnic identification in the Bosnian context. Next, I address the issue of the exclusion within the existing system, focusing on political exclusion of all individual citizens of the country that do not identify as one of the three constitutive peoples. Finally, I address the framing issue, discussing how focus on collective identities influences politics at large.

⁴¹ Different types of ethnic quotas are also used on lower levels of governance, but I disregard them in the analysis.

Political system in Bosnia and Herzegovina is based on assumed ethnic identification of political candidates and voters. In many instances politicians compete for ethnically labeled seats, and shared ethnic identity is seen as a way to legitimize claim for political office. Even in situations where ethnic identification could be irrelevant (such as local elections in ethnically homogeneous environment),⁴² individuals are still easily ethnically identified by their names, and the party identification usually follows ethnic identification.⁴³ The ethnic boundaries for identification appear at the first glance very rigid. Nevertheless, a more thorough examination of how political representation works in practice reveals a more nuanced picture driven by the logic of personal gain that can subvert ethnic categories. The most well-known case of subversion of ethnic categories occurred with the election of Željko Komšić from the SDP BiH on a ballot for Croat member of the Presidency during two electoral cycles 2006 and 2010. While Komšić is without a doubt an ethnic Croat, he was elected as a representative of a political party that has low support among Croat constitutive people in BiH, and therefore was not seen as a ‘real’ or authentic representative for that constituency. This example illustrated the possibility that party identification trumps ethnic identification since support for him as a candidate was tied to the support for his political party whose voters mostly come from Bosniak constitutive people. Another example of subversion is related to the institutional organization of Federation BiH, where the members for its upper chamber (House of Peoples of the Federation BiH) are elected using a complicated ethnic quota system for each of ten cantons, assigning seats for Bosniaks, Croats, Serbs, and others in each canton.⁴⁴ The fact that some relatively ethnically homogeneous cantons are still required to elect representatives for all different groups creates incentives for political candidates who cannot get the seat representing their

⁴² Due to the complex internal institutional structure (especially for the Federation BiH), there are many levels on which politicians compete for votes and offices, marked with different degree of ethnic homogeneity/heterogeneity. As an illustration, in the city of Sarajevo individual voters cast their votes for the elections on the municipal level, level of Canton Sarajevo, level of entity Federation BiH, and the state level for whole Bosnia and Herzegovina; first two levels are relatively homogeneous, on the third level there is visible presence of Croat constitutive peoples, and on the state level all three constitutive peoples are present.

⁴³ Political parties attract some members from different groups, and sometimes they get political prominence. However, their membership in particular party is commonly interpreted as support for a party’s core ethnic group. The example of current mayor of Banja Luka, Igor Radojičić from SNSD confirms this: while he officially declares as a Montenegrin, he is seen as an advocate for Serb political interests, and not representative of ethnic ‘others.’

⁴⁴ This system was introduced by the High Representative for Bosnia and Herzegovina, Wolfgang Petritsch in 2002. The scheme showing the distribution of seats per ethnic group and canton is in IDPI 2016: 395.

actual ethnic group (which is local majority and where there is real competition for the seats) to declare formal belonging to a group whose place needs to be filled. While the logic seems primarily led by political opportunism, the perverse side-effect is that it annuls the protection for groups that are numerical minorities, who are represented by the opportunistic members of majority groups. This cancels the whole purpose that the House of Peoples is established for in the first place, since in practice it does not secure protection for the groups that are local numerical minorities despite its formal existence.

The clash between assumed ethnic rigidity and clear ethnic barriers and actual fluidity of ethnic boundaries mostly due to political opportunism is worthy of further examination. In Bosnia and Herzegovina ethnic identity is a matter of self-identification, and it is relatively easy to change it merely by making a formal statement of belonging to any ethnic group without any limitations. In several interviews the respondents commented on this issue, presenting it as a right that anyone can exercise even when it produces strange political results. The respondent from the SDA used an extreme example, which reveals how such identification can be seen as a protest to ethnic categories: ‘we had the census, and a man declared himself to be a Martian. He feels like a Martian. It’s a matter of human rights, and he has the right to be a Martian. I don’t have a right to diminish that right for him.’⁴⁵ The representative of SNSD gave a more contentious example. Commenting about possible discrimination of ‘others’ (individuals that do not identify with any of three constitutive groups) he mentioned how anyone belonging to ‘others’ has a possibility to become a candidate for any political function as long as they are willing to declare that they formally belong to some other (constitutive) group. While the respondent immediately added that this is not an actual suggestion, the comment exposed that political parties are well aware of opportunism tied to ethnic identification. A local academic from Banja Luka commented how political opportunism reveals underlining subversive possibilities, showing that ethnicity is ultimately performative.⁴⁶ Finally, a respondent from a Mostar-based think tank IDPI, commenting from a Croat political position that see this as potentially dangerous way to diminish their rights, proposed a solution in looking at ethnic

⁴⁵ Interview #23 (citation translated into English).

⁴⁶ Interview #24, Banja Luka, 09/12/2016.

identification of voters rather than candidates themselves to establish whether they are authentic representatives of a particular ethnic group. This proposal indicates a fear that ethnic boundaries are too loose, and suggests that they need to be firmer, even at the cost of formally limiting options for the voters.

The representation through ethnic quotas is closely connected to the ethnic exclusion that occurs at the same time. As a principle, any political position reserved to be filled by a representative of a particular ethnic group indicates that everyone else is prevented from running for such a position. Among other consequences, this creates possibility for discrimination in employment in state institutions, where positions sometimes go to the candidate which fits the ethnic quota rather than the best candidate, thus encouraging political corruption.⁴⁷ The most widely known case of institutionalized exclusion and discrimination on ethnic grounds is presented by the court case *Sejdić and Finci v. Bosnia and Herzegovina*, where two Bosnian citizens of Roma and Jewish ethnic identification made a formal complaint to the European Court of Human Rights at the Council of Europe for the institutional discrimination due to barring them from running for some of political offices in the country. In 2009 the Court's ruling confirmed discrimination and instructed the state to remedy it through constitutional changes. Even though all major political actors agree in principle that discrimination does exist and that it should be remedied, in practice they are unable to agree on constitutional changes that would satisfy all sides. This case exemplifies another problem with ethnic quotas, political exclusion and discrimination, as well as difficulty to change existing political system without fear that somebody's collective rights will be diminished in the process.⁴⁸ Unequal treatment of different people based on their ethnic identification is seen as a regrettable fact, but something that is normalized: almost all respondents agreed that the issue of institutionalized discrimination should be remedied, but most of the respondents were also resigned about the possibility that something like that might happen in the near future. Additionally, some respondents

⁴⁷ This is reason for complaints to Ombudsman office, mostly due to the fact that such limitation is not advertised for job applicants (interview with the Ombudsman's office, interview #14). It was also brought up in interviews with Helsinki Parliament of Citizens Banja Luka (interview #2, Banja Luka, 08/19/2016).

⁴⁸ The representative of the Jewish community ironically commented that issue cannot be resolved even though everyone agrees on the problem, asking rhetorically what would happen in the case of disagreement (interview #29, Sarajevo, 09/16/2016).

were apprehensive that formal possibility to run for political office has little meaning in practice since getting in the position of political power requires support from major political parties rather than a mere belonging to the 'right' ethnic group.

Ethnic quotas in Bosnia achieve two things: participation of all three constitutive peoples in governing the country, and prevention of endangering vital interests of any group by the use of veto powers. The system of ethnic quotas has also created less explicit effects: it has made ethnic cleavage permanently salient, and it has removed the need to have a political compromise in order to participate in governing coalitions since political parties elected from different constituencies while campaigning using highly divisive ethnic rhetoric still get to govern together due to the quota system. As is sometimes mentioned in the literature on ethnic power sharing, such system does not necessarily produce moderation but more often leads to ethnic outbidding, using it as an easy way to mobilize voters.⁴⁹ Politicians frame all issues in reference to ethnicity since political system gives prominence to this frame. Despite ample protections, minority mentality and threats of political marginalization are still commonly used to mobilize voters. While ethnic quotas produce formal accommodation (limited to three major ethnic groups), they also create incentives to preserve ethnic divisions for political mobilization. Furthermore, the system also fosters exclusion of individuals and groups that are not formally identified with any of three constitutive peoples. I also show that party identification and political opportunism play important role in the system, since all political parties are willing to subvert ethnic categories for their gain (having candidates of different ethnic identifications in order to claim their multiethnic character or to get extra seats). At the same time, politicians representing different constitutive peoples are willing to compromise and work together when they see a need to accomplish some common goal, but those instances of cooperation are usually downplayed since they might be interpreted as a weakness.

Ethnic Decentralization, Territorialization of Ethnic Issues

⁴⁹ Roeder and Rothchild 2005.

The second type of collective ethnic right implemented in Bosnia and Herzegovina regards decentralization along ethnic lines, in principle allowing self-government for different ethnic groups at the territory where they have numerical majority. The Constitution of Bosnia and Herzegovina has firmly entrenched this right by declaring two entities as primary components of the country, with most state functions organized at the entity level. Two entities differ significantly in their internal governance structure (in particular, level of decentralization), leading to difference in the level of support for this collective right. Additionally, substantive decentralization has made Bosnia and Herzegovina as a whole a distant reference point for most of its citizens, who relate more to their more proximate and more ethnically homogeneous entities or cantons. I analyze several issues relevant to assess the effects of this collective right. I explain how the asymmetric structure of the country allows inequality between constitutive peoples and affects ethnic grievances. Decentralized structure of the country gives importance to numerical majorities and minorities in (partially) self-governing parts of the country, and it does not allow equal treatment of all citizens everywhere. On the symbolic level, the ethnified space as a frame of reference affects identification with the state and understanding of its multicultural character.

The principle of ethnic decentralization has been unequally applied around the country. Its implementation has allowed the Serb constitutive people to get formal recognition of their ethnically defined part of the country, where they have clear numerical majority. The situation in Federation BiH is much more complicated due to the fact that it includes territories with two constitutive peoples (Croats and Bosniaks), among whom Bosniaks have clear numerical majority. Administratively, this entity is further divided into ten cantons, five with Bosniak majority, three with Croat numerical domination, and two with mixed population between these groups.⁵⁰ The political elite in Republika Srpska is secure in its position of numerical and political domination, in practice deciding how much they want to involve other

⁵⁰ Here I disregard the existence of Brčko district in north-eastern Bosnia that is treated as a self-governing unit outside of both Republika Srpska and Federation BiH.

groups in the governing of the entity.⁵¹ For Serb politicians, Republika Srpska is the main reference point, and this was clear from interviews with all Serb ethnic parties. The Serb politicians from Republika Srpska sometimes complained about the position of Serbs in Federation BiH, where they are in the position of numerical minority, but that issue did not play central role for any political party, except when they wanted to make a point that Serbs outside of Republika Srpska are under threat.⁵² On the other side, in the Federation BiH numerical disproportion between Bosniaks and Croats creates constant complaints from the side of Croat nationalist politicians, led by their major political party, the HDZ BiH. They present any political loss as a loss for Croat people at large, seeing themselves as the only authentic and legitimate representative of Croat interests. In fact, the mere possibility to be outvoted (even when that does not actually happen) is interpreted as a vital threat for Croat people, and their political representatives lament the fact that they do not have spatially delimited territory where Croats would be numerical majority, disregarding the fact that a large part of Croats in Bosnia and Herzegovina live in territories that are ethnically mixed with Bosniaks (e.g., central Bosnia) so this is not achievable in practice.⁵³ The Bosniak constitutive people is the largest group in the country. Politically, it benefits from its numerical domination in Federation BiH and its politicians see less need to emphasize collective ethnic rights, recognizing their usefulness but also finding their implementation exaggerated, and often advocating move to the non-ethnic majoritarian principle, without recognizing that this alternative is problematic for other groups.⁵⁴

The implementation of ethnic decentralization as a collective right creates political distinction between numerical majorities and minorities, leading to unequal treatment also within same ethnic group in different location. This collective right connects ethnicity and territory, and for enjoyment of some rights a person has to belong to the 'right' entity, where her/his group enjoys position of local ethnic

⁵¹ During the interview, the representative of SNSD commented how they – conflating ruling party and the government of Republika Srpska - give rights to the national minorities or choose to give minister position to the HDZ BiH while refuse to give political positions to the SDA (interview #25).

⁵² E.g., interviews with SNSD, or National Democratic Movement, NDP (interview #17, Banja Luka, 09/02/2016).

⁵³ Detailed analysis of those ethnic grievances is presented in IDPI 2016.

⁵⁴ Interview #23 with SDA.

majority. The spatial aspect of ethnic decentralization creates incentive for further ethnic homogenization, since it discourages people to move/stay/return to the places where they might be ethnic minority. These individuals would then face double problems, first tied to their status of returnee and therefore ethnic outsider (which is linked to the fear of discrimination), and second tied to the objective barriers for political participation, including possibility to select political representatives from their ethnic group. The existing ethnic decentralization has confirmed the changes in ethnic structure of population and ethnic homogenization of all localities within the country after the war, and the harshest (but not completely inaccurate) judgment of the application of this collective right would be that it has legitimized ethnic cleansing. From the conversation with different politicians, it is clear that they see ethnic homogenization as a fact of life, sometimes lamenting the loss of Bosnian multiculturalism, but without suggesting anything in order to redress it. Most politicians also tend to present the need for unified ethnic front, where one naturally gives preference to the citizens who are his/her ethnic kin, and expects that people would not vote across ethnic lines. For example, the SDA representative mentioned the need to have a united front of all Bosniak parties (including the SDP BiH) in ethnically mixed municipalities of Srebrenica and Stolac, while at the same time commenting about the need to move away from ‘the ethnic story,’ when talking in general terms.⁵⁵ The representative of the SNSD commented how Serbs returnees in Federation BiH are logically marginalized because they live in the territories ruled by other ethnic groups but struggled to explain how the local Serb authorities treat Bosniak returnees in Republika Srpska.⁵⁶ At the same time, any care about the citizens of Bosnia and Herzegovina that do not identify with any of constitutive peoples is completely lost, since they fall out of the omnipresent ethnic frame of reference.

Looking into implementation of ethnic decentralization, we can conclude that it has protected collective rights of different constitutive groups in an unequal way, opening door for ethnic grievances. First, the degree to which collective rights are tied to a particular territory differs significantly between

⁵⁵ Interview #23.

⁵⁶ Interview #25.

Serbs in Republika Srpska and Bosniaks and Croats in Federation BiH. Next, whether an individual actually see benefits from ethnic decentralization, even only at symbolic level, depends on him/her being in the 'right' entity with his/her ethnic majority. The representative of the Center for Human Rights at the University of Sarajevo gave an interesting explanation how ethnic decentralization produces different degrees of vulnerability for individual citizens, without necessarily producing protection: the citizens that are constitutive people in the 'right' entity are the least endangered, followed by the constitutive people at the 'wrong' entity, then by the others/minorities, then persons with disabilities, then those who are poor, then Roma who are traditionally marginalized, and then people who belong to several endangered categories at once.⁵⁷ The general message is that nobody is actually protected, but the degree of vulnerability is contextual and varies.

Another important effect of ethnic decentralization is creation of ethnified space as a political frame of reference. This is visible to anyone who spends some time in Bosnia and Herzegovina, since political and public sphere is divided, and most of information available to individual citizens concerns only their entity and local majority ethnic group.⁵⁸ This ethno-territorial division has further implications on how citizens are experiencing their connection to the country, and the meaning that they attach to it. In principle, all the respondents recognize that Bosnia and Herzegovina is a multiethnic country, but they also stress that being multiethnic is usually connected to the ethnic power sharing and political divisions. Many citizens have problems to recognize actual multiethnic character of the country outside of the political sphere since the localities where people live and their everyday interactions happen mostly within ethnically homogeneous territories. In such context, one's frame of reference becomes primarily ethnic group, rather than multiethnic state. Even the Bosniak group, which is sometimes singled out as the one more dedicated to Bosnia due to the absence of external homeland (Brubaker 1996), does not actually recognize current multiethnic character of the state, and have a trouble to accept its ethnic divisions and

⁵⁷ Interview #5. The respondents referred to this gradation as 'Dante's circles of hell.'

⁵⁸ The representative of UDIK commented explicitly on divided public sphere, where individual citizens from Federation BiH do not know who are public figures in Republika Srpska and vice versa, or how media cover their activities only if they relate to their own territory and ethnic group (interview #6).

the existence of Republika Srpska.⁵⁹ Ethnic decentralization is implemented through separation, tying ethnicity and territory, and creating potential for further separation and unequal treatment of individual citizens. The implementation of this collective right in Bosnia and Herzegovina has created greater potential for confrontation since it prevents building the common frame of reference and it pushes for ethnic exclusivity in particular territories.

Cultural Rights and Politicization of Culture

The central point of cultural rights is the accommodation of ethno-cultural difference, without necessarily connecting it to the wider political aspirations, but rather making sure that all citizens feel connected to the common country, that they have equal chances for success, and that nobody is discriminated based on one's ethnic/cultural identity. In Bosnia and Herzegovina cultural difference is formally protected in two ways, through the veto mechanisms that protect vital national interests for constitutive peoples, and through the set of policies that guard cultural diversity in the public sphere, focusing especially on the use of official languages, and the public education. Additionally, cultural rights include issues related to religion (e.g., the official religious holidays), and the use of ethnic symbols in public spaces. While religion is traditionally perceived as the main distinguishing characteristic for different ethnic groups in Bosnia, formally it has been less in the spotlight as a cultural right, mostly due to the fact that Bosnia and Herzegovina is formally a secular country. Informally, religious identification and religious leaders often play important role in politics, endorsing politicians and providing them with additional ethnic legitimacy since religious and ethnic identification are historically closely linked.

Bosnia and Herzegovina was historically recognized as diverse society, with religion used as the main distinction. The idea that different groups speak different languages was completely absent, and prior to the war, the media were using one version of Serbo-Croatian language that was taught in public

⁵⁹ Mentioned in several interviews, e.g., political analysts: interview #33 (Banja Luka, 09/20/2016), interview #30 (Sarajevo, 09/16/2016).

schools and understood by general population. In terms of general understanding and communication, the situation has not changed since the beginning of 1990s, so language division into three different languages (Bosnian, Croatian, and Serbian) should be seen primarily as an expression of nationalist aspirations and ethnic nation building projects that went underway with the breakup of Yugoslavia. Breakup of common cultural space into separate ethnic cultures was a political project. Unlike in most of other cases where cultural distinctions produce political differences, in Bosnia and Herzegovina in many instances politics produced cultural differences, using the institutions like museums, galleries, archives, school curricula, etc., in order to generate divisions and political power for the elites.⁶⁰ Religion plays similar political role, where religious customs are often used to make a political statement (e.g., by fasting or wearing a headscarf), or as ethno-cultural norm (e.g., celebrating patron saint day among Serbs).⁶¹

One way that current institutional framework protects cultural differences more broadly is through the introduction of the veto mechanism for the protection of vital national interests. While discussing such protection several respondents pointed out that vital national interest is not defined in any precise way, allowing delegates from each constitutive people to declare anything (in principle) to be of vital national interest for their group. Therefore, vital national interests can be manipulated and conflated with personal or party interests: potentially a politician speaking on behalf of one group can construct that investigation for personal wrongdoing is a prosecution of his/her people.⁶²

Education in Bosnia and Herzegovina is decentralized and divided along ethnic lines. Within the educational system, children in primary and secondary schools study so-called national group of subjects based on their ethnic identity (limited to options for three constitutive peoples), including language, history, geography, and religious education. While many countries school adapt curricula to fit the specific needs of different groups of children, the potential problem is that such education does not

⁶⁰ Interview #13, Sarajevo, 08/27/2016.

⁶¹ Interview with the representative of the EU Delegation to BiH (interview #28, Sarajevo, 09/15/2016), interview with the professor from at the University of Banja Luka (interview #24, Banja Luka, 09/12/2016).

⁶² Interviews #13 and #29. The BiH Parliament lists all the decisions or bills suspended due to protection of vital national interest, but does not give a definition of such interest [<https://www.parlament.ba/Content/Read/39?title=Vitalnacionalniinteres>, accessed 06/25/2018].

acquaint students to live in a multicultural society, and implicitly fosters biases against ethnic others. The report produced by the Open Society Fond in 2007 confirmed that books used for teaching national subjects in schools often promote divisions, stereotypes against members of other groups, without teaching much on topics that are relevant for all people in Bosnia and Herzegovina.⁶³ Additionally, in some parts of the Federation BiH there is the official policy of physical segregation of school children called two-schools-under-one-roof, where children from different ethnic groups attend classes in the same school building at different hours, thus preventing any contact with children from different ethnic group and following different school curricula. The effects of this approach to education are ethnic segregation, prejudices, and politicization. To illustrate this, while conducting fieldwork there was an ongoing dispute between families of Bosniak children in Republika Srpska who were taught their national subjects, but the school officials refused to produce school reports with the name of the language ‘Bosnian language’ claiming that the language should not be called that way. While this case of discrimination was condemned (for example, by the OSCE, or the Ombudsman office), at the same time the respondent from the SNSD defended the decision stating that ‘Serbs have difficulty to accept the category of Bosnian language’, and adding that Bosniak national subjects promote hatred towards Serbs.⁶⁴ These statements point out at a wider trend of politicizing issues that are not necessarily political in order to keep ethnic tensions high.

The language use is another cultural right which is highly politicized. One contentious issue in the politics of Bosnia and Herzegovina concerns the complaint from Croat political representatives related to the lack of public television channel in Croatian language, claiming that Serbs have their public television channel (Radio Television of Republika Srpska, RTRS), while the public television channel in Federation BiH represents mainly Bosniaks (Federation Television, FTV). While there are disagreements on whether this is legitimate complaint and whether additional public television channel is needed, this issue

⁶³ The report is titled: *Obrazovanje u Bosni i Hercegovini: Čemu učimo djecu? Analiza sadržaja udžbenika nacionalne grupe predmeta* [Education in Bosnia and Herzegovina: What do we teach the children? Analysis of the content of books from national group of subjects]. The report examined school books used across the country for teaching ‘national subjects’ in public schools.

⁶⁴ Interview #25.

exemplifies the fact that all the media (public as well as private) tend to be ethnified (or/and perceived as such), reporting the news primarily relevant for only one ethnic group, reinforcing ethnic divisions, and providing little opportunities for engagement across ethnic lines.

In practice, the rights protecting cultural particularity of different constitutive peoples best when they are consumed in the location where ethnic group is the majority. Preserving cultural difference, no matter how large or small it is, does not necessarily have to be a confrontational issue. However, the examples related to the organization of public educational system and public media show that these rights are exercised by exclusion of other groups. The problem with the implementation of cultural rights in Bosnia and Herzegovina is that they do not live up to their integrative potential, limiting engagement with difference and overcoming of ethnic stereotypes.⁶⁵ Together with ethnic homogenization, cultural rights exercised in education and media foster identification with one ethnic group only, preventing integrative mechanisms outside of the ethnic frame of reference. In this sense, ethnic accommodation is cultivating ethnic distance and could be turned into ethnic confrontation.

Economic Dimension of Ethnic Power Sharing

Ethnic politics is closely tied to economic costs and benefits. The ethnic power-sharing systems are costly, since they require more institutional complexity and levels of governance, employing additional administrative personnel, resulting in the state (on all its different levels) being the largest employer. Another issue discussed by many respondents across the board was the problem of corruption, which is seen as a side product of power sharing. I discuss here how collective ethnic rights are tied to increased probability of corruption, and why this problem, despite being widely acknowledged by different actors, including the OHR, is not seriously dealt with. This analysis will necessarily tie to the issue of benefits from the existing system. I aim to provide a convincing explanation why economic problems,

⁶⁵ This point was made by most respondents, especially those outside of politics.

inefficiencies, and waste, continue to persist in the country, while system of political patronage and corruption continues to exist.

To explain how economics is tied to politics in the case of Bosnia and Herzegovina one has to keep in mind the role that different types of collective ethnic rights play reinforcing each other. The existence of ethnic quotas (especially for the employment in the public sector) introduces an idea that competence is not the key factor in order to get a job in the public sector. The ample public sector (in part due to institutional complexity) needs many employees, which supports patronage system for distribution of public sector jobs. For the general population the possibility to work in the public sector is often more attractive than a job in the private sector, due to its higher job protection, and also as a legacy of the previous economic system.⁶⁶ All this indicates that these jobs can be used to boost support for the political incumbents, where potential voters are led by their personal economic interests rather than political or ideological preferences. The interaction between economic and political system indicates why this issue is not seriously addressed. In principle, politicians should be interested to fight corruption, but the existing arrangement guarantees political support and it is highly unlikely that the politicians would dismantle the system that is beneficial for them. Even if we disregard political corruption and potential abuses, ethnic politics offers alternative narrative to reporting on economic problems, unemployment, poverty, brain drain, and the lack of economic growth.⁶⁷ In that sense, nationalism is strategically used by all politicians in power to deflate attention from economic problems, or to blame others for them.

Assessment

The political system in Bosnia and Herzegovina is built around protection of collective ethnic identities, by means of different collective rights. The system was established in the atmosphere of hostility and the lack of trust, being a part of peace agreement, emphasizing political dimension of collective ethnic rights.

⁶⁶ Acknowledged by OHR and OSCE (interviews #4 and #7).

⁶⁷ These problems were mentioned as the key problems in the country by most of my respondents.

This arrangement turned out to be beneficial for political elites from all three groups, who after more than twenty years still control political power in the country, using the same divisive ethnic rhetoric, without promoting any changes towards reconciliation and toleration.⁶⁸ In fact, no political party has presented a serious alternative to ethnic politics, and most of them avoid even to discuss issues of reconciliation, focusing on exclusive interests and victims from a single ethnic group.

Even though politics is formally closely tied to ethnic identity, in practice ethnic identity is often conflated with party identification (where all parties tend to be associated with a single ethnic group, including those that are self-identified as non-ethnic), and with the territory (which is the consequence of the movement of the population during and after the war, creating mostly ethnically cleansed territories). Individual citizens are politically seen through their ethnic identities. Political parties assume that interests and positions of citizens will be determined by their ethnic identifications. While in many countries political parties spend money and time trying to understand preferences and interests of voters, in Bosnia and Herzegovina political parties approach citizens as ethnic subjects, focusing on collective ethnic interests, and not allowing input from the citizens on the adequacy of political priorities constructed in this way.

Collective ethnic rights play the key role in this system, and existence of several types of these rights next to each other reinforces ethnic matrix in politics. Regarding the effects of these rights, they have protected political inclusion for three main ethnic groups, but have left other citizens on the margins of political system. The comprehensive system of collective ethnic rights locks the conflict at the elite level, where it continues to feed on itself, since political elites keep ethnic tensions at the spotlight. The experts' assessment of interethnic relations among general population indicates relatively low tensions but also low interethnic contact.⁶⁹ The politicians and the media tend to present problems in the country

⁶⁸ In fact, the Serb constitutive group is the one that witnessed the change in political leadership where the SDS was gradually replaced by the SNSD, with SNSD shifting to use the rhetoric which was traditionally identified with SDS. This change was led also by the activities of international community limiting the SDS political participation and promoting alternative voices among the Serb politicians (see Chandler 1999, Caspersen 2006). A good biopic of the SNSD leader Milorad Dodik on <https://iwpr.net/global-voices/bosnian-serb-leader-opportunistic-or-committed-nationalist> [retrieved 26/06/2018].

⁶⁹ Especially important in that regard is the assessment of the OSCE, which has field offices around the country, and in its work focuses on these issues. The respondent from the OSCE emphasized that positive examples of interethnic cooperation are not

through the ethnic lenses. While electoral results confirm that ethnic parties on all sides are as strong as ever, the rigid ethnic framework is subverted on the edges, both by the opportunistic nationalist politicians, and by minorities, returnees, and other citizens who do not identify with dominant ethnic categories, but still live within the country. While the official policies that touch upon culture are equally divisive as those in the political domain, informal cultural scene in Bosnia and Herzegovina, seen through music, literature, entertainment, and film production, appears much more integrated, even though its reach is limited. These examples show that collective ethnic rights that emphasize separation and exclusion in an extreme way, produce some pushback, which is often not formally detected. Subversion of the ethnic matrix can happen since degree of difference is not too high to prevent creation of interethnic links, which existed before the war. The official support for ethnic parties can be explained by the combination of low turnout,⁷⁰ political patronage that promotes opportunism,⁷¹ public media that are controlled by the ruling ethnic parties,⁷² and the absence of meaningful political alternatives.

The analysis shows that it is unlikely to have a change coming from the political-institutional sphere, since ethnic politics often acts like a smokescreen covering other problems in the country that do not have ethnic dimension but are difficult or unpopular to address. However, the interviews reveal an alternative way to look at the politics, focusing on the winners and the losers of the political system, often seen in economic sense. While it is clear to everyone that population of Bosnia and Herzegovina at large share a number of problems, political actors do not recognize that, and keep promoting divisive rhetoric centered around ethnic categories. The civil society organizations provide some good examples of alternative to ethnic politics, but they are not strong enough to tackle larger systemic issues, while political parties (especially those in position of power) often see them in confrontational terms.⁷³

rare, but are not publicly acknowledged (for example, by the media), while instances of interethnic conflict usually get more prominence.

⁷⁰ The electoral turnout is around 55% among eligible voters (Central Election Commission, www.izbori.ba [retrieved on 06/21/2018]).

⁷¹ Mentioned in several interviews, e.g., OHR (interview #7, Sarajevo, 08/25/2016), OSCE (interview #4, Sarajevo 08/23/2016), or local academics (interviews #13, Sarajevo, 08/27/2016, and #24, Banja Luka, 09/12/2016).

⁷² Entities' parliaments play a role in selecting the Board of Directors for public media (interview #31, Banja Luka, 09/19/2016).

⁷³ CSOs in BiH are analyzed in Belloni and Hemmer 2010.

In recent years there emerged an alternative way for citizens to organize, which falls outside of the realm of ethnic politics. The apolitical citizens have shown initiatives to disrupt ethnic matrix led by exogenous shocks (e.g., floods in spring 2014), by organizing themselves and helping each other across ethnic and entity divides. Other example of citizens' organizing to address common social problems occurred in February 2014, when protests escalated in several towns in Federation BiH around social issues. In Republika Srpska, attempts to organize similar protests were met by serious repression, including putting some civil society organizations on the 'black list of the enemies of Republika Srpska.'⁷⁴ In general, political elites on all sides worked to dismantle such alternative organization of citizens going against ethnic divisions led by common problems. In the words of one of my respondents, professor at the University of Sarajevo:

'Interestingly, when these protests were happening in 2014, people were almost tying the flags again, you have the members of all three elites coming out and saying, Dodik: this is against Serb people, Bakir Izetbegović: this is against Bosniak people, Čović: this is against Croat people. That's it. So, why am I saying all this? I want to say that 25 years of investment in one ethno-nationalistic order seems not to be enough to create that type of mental barrier in the people to see the other really as the other. And that, I think, when we could make some interview with those leaders, I think that frightened them the most'.⁷⁵

While the protests of 2014 did not make lasting effect and the Bosnian politics returned in the ethnic matrix (due to the influence of political elites and repression), this instance has shown that there is a possibility for alternative political framework in Bosnia and Herzegovina. Similarly, in 2018 the protests started, triggered by an unresolved death of a student David Dragičević from Banja Luka, leading to creation of a group 'Pravda za Davida' (justice for David), revealing serious lack of trust in state institutions. These examples show that existing politicized system of protection of collective ethnic rights is not compatible with other interests and political frameworks. The political system established to protect

⁷⁴ General assessment comes from the OHR (interview #7). The respondent from Helsinki Parliament of Citizens Banja Luka commented how their organizations was met with repression and hostility due to their support for the February protests (interview #2).

⁷⁵ Interview #13, personal translation into English.

ethnic diversity did not work to decrease ethnic tensions. Instead, collective ethnic rights are used as a source for confrontation, since any political issue can be transformed into an ethnic issue and presented in highly divisive terms, feeding ethnic grievances.

Finally, in order to evaluate the effects of ethnic empowerment in Bosnia and Herzegovina, one has to consider its symbolic aspects. The primacy given to ethnic identifiers in politics prevents development of any meaningful identification with Bosnia and Herzegovina as a multiethnic state. Bosnia is a country with a national anthem without words, and with state flag designed abroad. However, lack of symbolic identification with the state is deeper than the absence of historically meaningful unifying symbols. Together different types of collective ethnic rights make ethnic group a primary point of reference, and political actors have no interests in promoting a vision of diverse and multiethnic Bosnia and Herzegovina. Final result is existence of connected systems of ethnic accommodation and ethnic confrontation, with the little possibility for transformation and change.

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