THEORY VERSUS PRACTICE: PEACE PROCESSES IN BOSNIA

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Abstract:

The breakdown of Yugoslavia in the early 1990s was accompanied by military conflicts, that of Bosnia being the longest and most violent. It erupted as a result of uncertainty about the future of the ex-Yugoslav republic, stimulated by political leaders using the ethnic differentiation of the population. The conflict was brought to a halt at the end of 1995, thus confronting the fighting parties with the question of how to construct their new state. Serbs, Muslims and Croats, competitors in the run for power, each had projects for the future of Bosnia and Herzegovina, whereas the international community made explicit that no partition of the territory would be possible. Forced into co-operation, now, the three ethnic groups, together with international forces, struggle with the issue of the construction of the new Bosnian state, as part of the peace process.

This article addresses ostensible reasons for the outbreak of the Bosnian conflict as well as why it was resolved the way it was. Special attention is paid to the institutional reconstruction of the state. References are made to the theories of the multi-ethnic, post-conflict state building of Lijphart and Horowitz and an analysis in situ is presented of their different perceptions. These theoretical proposals are here confronted with the practice of reconstruction of Bosnia today.

Introduction

For seven years international forces have been involved in peace building in Bosnia and it seems that their withdrawal could still result in a new wave of instability.[1] Instability, in fact, is one of characteristics of Bosnian political life that in a natural way projects a shadow on economic development of a country and social relations within it. This inconstancy of political life is vastly stimulated by the design of state institutions and the relations born by their interacting. Yet, this design of state institutions, relations between state and Entity level of government or the communications between Entities themselves are not the only stimulus for the precariousness, as there is also the will of the parties to co-operate or an informal network of dependencies that matter. I mean here the reminders of the war-time transactions and the reliance on each other they created. The war not only deepened the cleavage between groups but was also an advantageous time for taking up black market activities – like arms, food or petrol trade. These businesses involved the flow of vast financial capital and created a whole, hidden network of dependencies.[2] Their most haunting feature is that they are not obvious for peace makers who cannot adjust their techniques of making peace accordingly. I shall not elaborate on all the leverages influencing the peace-building process. Instead I shall concentrate on institutional aspects of reconstructing Bosnia.

Bosnia's state and power structures are based on the provisions of Annex 4 ("Constitution of Bosnia and Herzegovina") to the Dayton Peace Accords of 1995.[3] These constitutional regulations set up a new arena for the groups to run their mutual relations in such a way that the dialogue between fighting parties shifts from a battle field into a parliament and

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[1] Charles Boyd, "Making Bosnia Work", *Foreign Affairs*, 77/1 (1998), pp. 42-55, Charles Hauss, *International Conflict Resolution* (London, New York: Continuum, 2001).

[2] For instance often an old debt has to be returned in the form of state, Entity or other authority concessions. These relations greatly influence the social and political situation after the war comes to an end.

[3] The peace talks took place between 1 and 21 November 1995 in Wright-Patterson Air Base in Dayton, Ohio. They resulted in the agreement on the conclusion of the Peace Accords. The signing of the Peace Accords took place on 14 December the same year in Paris. Dayton Peace Accords (taking its name from the place they were negotiated) were one of several attempts at making peace in the Balkans in the 1990s. From 1991 on, the European Community (EC) established several groups with the task of finding a resolution for the Yugoslav conflicts. They were known as Carrington Conference and Badinter Commission. In mid-1992 the EC was joined by the United Nations in the organisation of the "London Conference on the Former Yugoslavia" that turned out to be a row of conferences (changing its name into the "International Conference on the Former Yugoslavia"). Within these conferences several peace proposals were prepared, like the October 1992 "Precursor to the Vance-Owen Plan", January 1993 "Vance-Owen Plan", "September 1993 "Invincible Plan", and November 1993 "European Union Plan". For specific readings on the history of peace plans see: Laura Silber and Alan Little, *The Death of Yugoslavia* (London, New York: Penguin Books and BBC Books, 1995), Charles Hauss, *International Conflict Resolution*, or Paul C. Szasz, "The Quest for a Bosnian Constitution: Legal Aspects of Constitutional Proposals Relating to Bosnia", *Fordham Internationl Law Journal*, 19 (1995), pp. 363-407.

government. Miall et al. are of the opinion that as a matter of fact a conflict does not end with the cease fire nor with a conclusion of a peace agreement, but changes its articulation and goes on, using state structures as an arena.[4] It is not without importance, then, what shape the institutions take as they will be challenged by the often contradictory interests of the parties.

One can imagine that the shift from running an open war to discussing issues within the house of parliament is not an easy one. Therefore it is challenging to think of a way a political system should be constructed so that it can bear the burden of even the greatest unwillingness of the parties to co-operate. In other words, the political system, an institutional design of a state, should ensure that this state can actually function under the difficult circumstances of the lack of trust between disputants, who are often reluctant to undertake earnest interactions. This, one could say, is one of the primary goals of post-conflict peace building.[5] The reconstruction of state structures certainly influences the entire peace process - as for instance the case of Bosnia shows. There, the international community put a strong accent on the reconstruction of state institutions, which were later on expected to take over the reconstruction of the entire country.[6] Therefore, it is not without importance what state

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[4] For more comments on this issue see: Hugh Miall, Oliver Ramsbotham and Tom Woodhouse, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts* (Cambridge, Malden: Polity Press, 1999). The authors ceased to use a popular term "post-conflict" in relation to peace-building, replacing it with "post-settlement". They argue that the conflict does not end by the very fact of the conclusion of peace agreement but requires more tentative work. One can talk about the end of the conflict when its reasons and causes are removed or remedied.

[5] By post-conflict peace-building I mean these actions of both the international community and domestic forces that are initiated after a peace agreement is reached by the parties to the military conflict. Post-conflict peace-building is a response to one of the phases of a life of a conflict and it concentrates on bringing the situation in this state to that of a sustainable peace. "Stable" or "sustainable" peace itself is a situation in which the previous parties to a conflict are no longer likely to go to war with each other. There is an extensive literature about the life of a conflict and international responses to it. For reading about the escalation of a conflict see: Herman Kahn, *On Escalation* (New York: Praeger, 1965), Thomas Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1960) and by the same author *Arms and Influence* (New Haven, CT: Yale University Press, 1966), Ole R. Holsti *Crisis Escalation War* (Montreal: McGill-Queens University Press, 1972), Richard Smoke, *War: Controlling Escalation* (Cambridge, MA: Harvard University Press, 1977), Glenn H. Snyder and Paul Diesing, *Conflict Among Nations: Bargaining, Decision Making, and System Structure in International Crises* (Princeton, NJ: Princeton University Press, 1977), Richard N. Lebow, *Between Peace and War* (Baltimore, MD: Johns Hopkins University press, 1981), Jan Prokopczuk, *Konflikty w Trzecim Swiecie i ich wplyw na stousnki miedzynarodowe* (Warsaw: Wydawnictwo Ministerstwa Obrony Narodowej, 1989), Michael Brecher, *Crisis in World Politics: Theory and Reality* (Oxford: Pergamon, 1994), Lisa J. Carlson, "A Theory of Escalation and International Conflict", *The Journal of Conflict Resolution*, 39/3 (1995), pp. 511-534, David A. Lake and Donald Rothshild, *The International Spread and Management of Ethnic Conflict* (Princeton: Princeton University Press, 1997). For the consultation of international responses to a military conflict see: Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations, 1992), Hugh Miall et al., *Contemporary Conflict Resolution*, Charles Hauss, *International Conflict Resolution*. For further reading about sustainable peace see: Hugh Miall et al., *Contemporary Conflict Resolution*, Michael Lund, *Preventing Violent Conflict: A Strategy for preventive Diplomacy* (Washington D.C.: United States Institute of Peace, 1996).

[6] This particular way of designing a peace building campaign can be called top-down: it implies that the dialogue between the international community and the post-conflict state is run mostly through the state institutions. There is a strong impact of the reconstruction of state structures that are made responsible (but still assisted by international institutions) on the sectoral reconstruction of the state. One could think of an alternative approach

structures are provided for after a conflict s brought into the stage of peace-building. Thus, the capability of a state to function in terms of its decision-making, law-enforcement, regulatory and other dimensions seems to be of the utmost urgency for peace and further development.

The war in Bosnia erupted in 1992 following the breakdown of the Yugoslav state, involving three major parties: Serbs, Bosniacs and Croats.[7] It is difficult now to state unequivocally what exactly the reason for war was but some chronology might be of use.[8] The Memorandum on Sovereignty was adopted by the Bosniac dominated parliament on 15 October 1991. All of the Serb MPs walked out of the parliament – as a sign of a protest – before the Memorandum was adopted. The Memorandum of Sovereignty was followed by a referendum on 29 February and 1 March 1992, as required by the European Community, in which 99 per cent of the participants supported the act of independence. Most of the Bosnian Serbs did not take part in the referendum, again as a sign of protest. Bosnia and Herzegovina was recognised by the European Community on 6 April and by the United States on 7 April 1992.[9] The recognition of the state initiated a new, violent stage of the conflict between Serbs, Muslims and Croats about the future of Bosnia and Herzegovina. Some authors see the recognition of the Bosnian state as an explicit reason for the war. They reason that not wanting to become a minority in a Muslim-dominated country, Serbs did not see any other way but to fight for either staying in a greater Yugoslavia (in which Serbs would still be a dominating group) with the capital in Belgrade, or to form a separate state, in which they

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to peace-building, that is a bottom-up one, that would be concentrated rather on local empowerment, paying particular attention to the local and regional environment, letting the state institutions be set up more independently from the state reconstruction.

[7] Since 1945 Bosnia and Herzegovina remained a republic within Yugoslavia that was a highly centralised state, ruled by Marshall Tito. Still being a Yugoslav republic, on 18 November 1990 Bosnia held the first multi-party elections. Already then ethnic disagreements appear. For further reading on the tradition of power in Yugoslavia and its dissolution see: Susan Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Brookings Institutions, 1995), Laura Silber and Alan Little, *The Death of Yugoslavia*, Ante Čuvalo, *Historical Dictionary of Bosnia and Herzegovina* (Lanham, Md. and London: The Scarecrow Press, 1997).

I shall be using the terms "Bosniacs" and "Muslims" interchangeably. They relate to the same ethnic group: Slavs who converted to Islam under the Ottoman rule and one of the parties to the Bosnian war. At the beginning of the conflict the group called itself Muslims, changing the terminology into "Bosniacs" later on.

[8] Michael Barrat Brown suggests one of the ways of looking at the reason for the collapse of Yugoslavia. He is inclined to believe that the breakdown of the state was a result of economic disequillibrium and the weakening political position of Yugoslavia after the breakdown of the Eastern Block. During the time of the Cold War Yugoslavia was admired for its independence from the Soviet Union and thus the West Democracies were eager to support it economically. After the breakdown of the bipolar system of power, Yugoslavia lost its position of a benjamin and was not able to get credit from the international institutions as easily as it used to. The cut out of the international financial resources caused or at least speeded up the collapse of the Yugoslav state. See: Michael Barratt Brown, "War in the Balkans: Economic Causes and Solutions Examined", *The Spokesman*, 65 (1999), pp. 52-60.

[9] A detailed illustration of the events one can find in: Laura Silber and Allan Little, *The Death of Yugoslavia*, or David Chandler, *Bosnia: Faking Democracy after Dayton* (London and Sterling, VA.: Pluto Press, 1999).

again would be a majority.[10] In 1991 the proportion of ethnic groups in Bosnia was as follows (see table below):

Table 1.   Ethnic composition of Bosnia in 1991

Ethnic group	Per cent of the population
Muslims	44 %
Serbs	31 %
Croats	17 %
„Others"	8 %

Source: Susan Woodward , Balkan Tragedy: Chaos and Dissolution After the Cold War (Brookings Institutions, 1995), p. 33.

In the case of Bosnia separating from Yugoslavia, the Bosnian Serbs would live in a country dominated by Muslims, which they were not ready to agree on. In the case of democracy with the principle of proportionality being applied, Serbs who had traditionally a strong position in Bosnia by the use of close relations with Belgrade, would gradually be reduced to one of many groups applying for power.[11] As the international recognition of Bosnia and Herzegovina came and no constitutional agreement had been worked out as to how the state would be managed, the argument of a war appealed to the Serbian political leaders.

The war started and the parties were brought to a negotiation table in late 1995 in order to confront questions similar to those they started the war about: how much power for whom in Bosnia and Herzegovina, how to create a situation in which none of the groups feel dominated by the other, how to build security, how to give a push to economic development. In this sense, one could say that the three and a half year-long war did not bring the answer to any of the issues over which the war was started. Serbs were deprived of the hope of independence,

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Whereas both for the description of the situation and for the chronology of events see: Ante Čuvalo, *Historical Dictionary of Bosnia and Herzegovina.*

[10] For the elaboration of this argument see: Peter W. Galbraight, "Washington, Erdut and Dayton: Negotiating and Implementing Peace in Croatia and Bosnia-Herzegovina", *Cornell International Law Journal*, 30 (1997), pp. 643-9, Charles Hauss, *International Conflict Resolution*, Elizabeth M. Cousens, "Making Peace in Bosnia Work", *Cornell International Law Journal*, 30 (1997), pp. 789-818.

[11] In fact one could think even of a situation in which the Bosnian Serbs would be omitted in government-making: if the ethnic composition of Bosnia was mirrored in its parliament, then it would be possible for Muslims to make an alliance with Croats, achieving (44 plus 17) 61 per cent of the MP votes. In this case the Serb parliamentary minority would have little influence on the government of the country. This is rather the way the Serbs were thinking.

Corats were refused their desire of joining Croatia, and Muslims did not take over the government of new Bosnia and Herzegovina.[12] Still, peace was to become true and in order for that to happen, state institutions had to be set up. Thus, although political infrastructures are not the only prerequisite for peace, they deliver a framework within which all other interactions can take place.[13]

Theory delivers two main concepts as to how to deal with the reconstruction of an ethnically torn country, both of which are based on the concept of power being shared by the conflicting groups. These concepts are initiated by Lijphart and by Horowitz.[14] Lijphart's is

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[12] Szasz describes the interests of the fighting parties in this way:
"The Muslims desire a democratic, united, centralized Bosnia-Herzegovina (BH) state, which they would dominate through their numerical weight and their faster growth. They also desire that all refugees and displaced persons be allowed to return to their homes, and that war criminals be punished.
The Serbs want no part of any common state with the Muslims and Croats. It is not quite agreed among them whether this implies a completely independent state or one merged with Serbia or Yugoslavia. However, Republika Srpska must have a fully connected territory and be ethnically pure, which means none of the expelled Muslims and Croats may return to it. The Serbs do not recognize international war crimes prosecution, and largely deny guilt for any war crimes.
The Croatian aims have never been quite clear. Ostensibly they agree to a single state – though one that is weak and highly decentralized into three largely ethnically pure entities. In the long run they probably aim for the same solution as the Serbs, with the Croatian parts of BH to be either independent (as Herzeg Bosna)[12] or merged into the Republic of Croatia.
The world community largely has the following aims, most coherently expressed at the 1992 London Conference: peace; a single state of BH, whether centralized or federated or almost completely disassociated; no change in BH's external borders; return of refugees; and prosecution of war criminals. These aims largely overlap with those of the Muslims, except that the latter fought for a centralized, majority-ruled state, while the world community was willing to settle for some arrangement that would be at least marginally acceptable to the Serbs and Croats – even if the resulting structure would consequently be terminally weak and considerably undemocratic." See: Paul C. Szasz, "The Dayton Accord: The Balkan Peace Agreement", *Cornell International Law Journal*, 30 (1997), p. 762.

[13] One can say that the trap all the parties were trying to avoid was the one illustrated by Sisk. Sisk spots that a pure majoritarian democracy is ill-suited for multiethnic societies where the cleavages are being supported by the recent memories of war and where ethnic tensions are still animated as it can easily lead to what Lijphart calls "majority dictatorship" (p. 102). A clear majoritarian system would promote first and foremost the quantitative values of groups. Thus, the biggest groups would obtain the greatest number of places in a parliament so that their influence on the decision-making process and state governing would be favoured. Groups themselves would be expected to be formed along the war-time cleavages, i.e. along ethnic lines. Sisk comments on this situation that it would equal democracy "*not with freedom or participation, but with structured dominance of adversial majority groups*" (p. 31). Obviously there are solutions for the counterbalancing of the majorities by the influence of minorities on a political process in majoritarian systems. The most common would be to allow minorities more places in a parliament than they would get if the places were distributed on the basis of a pure mathematical proportion. Nevertheless in multiethnic, deeply divided societies it is less about the distribution of power based on the principles of mathematics but more about a trade-off between the power the parties can obtain in a peaceful political process and what they could get when coming back to war. Thus a political system that would be successfully established in a country with a tradition of peace and compromise does not necessarily have to be suitable for a post-conflict state or one that got independence only recently. This is not to say that one needs to invent an entirely new system but that democracy-based solutions require adaptation to local conditions. See: Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington D.C.: United States Institute of peace, 1996), Arendt Lijphart, "Power-Sharing in South Africa", Policy Paper in International Affairs No. 24 (Berkley: University of California, Institute of International Studies, 1985), pp. 119-28.

[14] Discussing the theories of Lijphart I refer to: Arendt Lijphart, "Power-Sharing in South Africa", Policy Paper in International Affairs No. 24 (Berkley: University of California, Institute of International Studies, 1985), pp.

the idea of power-sharing with a "group building approach", whereas Horowitz's is an "integrative approach". The main difference between these theories is in the opinion they hold about whether ethnic cleavages should be constitutionalised and the entire political system built on them or, on the contrary, whether the differences between groups should rather be overlooked and the political system be based on an alternative to that of ethnic distinction. Lijphart proposes to construct a new country by keeping the ethnic groups apart and dividing power between them through the channels of institutions. The ethnic division, however, stays as it was during the time of war and forms the basis for a new state structure. Horowitz, on the contrary, states that there is little chance for a country to exist peacefully if the old divisions along ethnic cleavages stay untouched. He proposes to shift the way societies are divided from the line between ethnic groups into something that could be a reasonable substitute. Both of these concepts – of Liphart and of Horowitz – are worthwhile and although apparently in contradiction with each other, lessons can be learned for Bosnia from both of them.

Lijphart's Power-sharing and Ethnic Groups

The very first affirmation of Lijphart is that it is practically impossible to obliterate the distinctions between ethnic groups once they appear. Therefore, if a conflict involved the use of the differences between the ethnicity of particular groups it is better to accept these differences and to build a new state so that it includes, confirms and constitutes these ethnic distinctions. Otherwise, one would need to try to eliminate or ignore ethnic divergence, which is something the success of which Lijphart seems to doubt. He quotes Karl Deutsch who estimates - after having done a historical survey - that the full assimilation of different ethnic groups requires between 300 and 700 years.[15] "*Eliminating ethnic groups by trying to forge them into a homogeneous nation is therefore not a practical approach to peacemaking in*

119-28, Arendt Lijphart, "The Power-Sharing Approach" in: Joseph V. Monteville (ed.) *Conflict and Peacemaking in Multiethnic Societies* (Lexington: Lexington Books, 1990) and Arendt Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (New Haven and London: Yale University Press, 1999). The elaboration on the theory of Horowitz I base on: Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkley: University of California Press, 1985); Donald L. Horowitz, "Making Moderation Pay: The Comparative Politics of Ethnic Management" in: Joseph V. Monteville (ed.) *Conflict and Peacemaking in Multiethnic Societies* (Lexington: Lexington Books, 1990). Lijphart and Horowitz are not the only ones to write about the designing of political systems in multiethnic societies. These two authors, however, gave the first bases for the latter evolution of this track of thinking. For further reading about power-sharing in both shapes - group building and integrative approach - see also: Peter Harris and Ben Reilly (eds), *Democracy in Deep-Rooted Conflict: Options for Negotiations* (Stockholm: IDEA, 1998), or Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts*.
[15] See: Karl W. Deutsh, "Space and Freedom: Conditions for the Temporary Separation of Incompatible Groups", *International Political Science Review*, 5 (1984).

multiethnic countries."[16] Lijphart goes on to state that there would be only two ways in order for ethnic tensions to decrease in a relatively short time. These would be:

- a threat for the groups by an enemy common to them;
- the forcible suppression of ethnicity.

About the first of these points the author explains that a common threat certainly makes groups get closer together and that it usually lasts only as long as the enemy jeopardises the security of the groups. When the enemy is eliminated the groups come back to the old divisions. Thus it was typical for Third World countries to unify before the achievement of independence. However, after the granting of independence, the previous cleavages reappeared. About the forcible suppression of ethnicity Lijphart writes simply that although it might be successful in the short run it does not pass the test when tried to be kept for longer and that it is "morally repugnant".

Taking into account that the elimination of the ethnic cleavages is practically impossible, Lijphart indicates two possible solutions for the management of a multiethnic country:

- the partition of a state or secession;
- a power-sharing approach.

With regard to the first one he writes that both partition and secession are unpractical, as a division of territory would unavoidably involve violence among the conflicting parties. He also suggests that violence is rather provoked by the efforts to prevent the partition than by the very fact of this partition. There is always a power centre tempted to fight for keeping the territory of a country together at any cost. This devotion to counteract the partition stimulates violence, which would be avoidable otherwise.

Although Lijphart perceives the division of a territory as a possible option he also highlights its disadvantages. The biggest opposition is that in most places ethnic groups are geographically intermixed so that it is impossible to draw a fine line between territories occupied by one or another group. In this case the division of a territory is from the beginning accompanied by the discussion about which territory should be allowed to whom. This in itself is a highly conflict-generating dispute. Moreover, it is not only a matter of dividing territory along the lines of the settlement of particular groups, but also of the distribution of natural resources. Naturally, when talking about the partition of a territory, each of the ethnic

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[16] Arendt Lijphart, "The Power-Sharing Approach", p. 493.

groups would like to gain the maximum: not only the biggest amount of the land, but also the best quality of it as this could guarantee relatively fast development after separation. Natural resources are always worth their weight in gold.[17]

Taking into account all these disadvantages of the partition of a territory Lijphart puts forward the idea of accommodating most of the interests of all the ethnic groups within one state and the adjustment of the state structure so that those groups have equal influence on the decision-making process and the governing of the country. His power-sharing model is designed in such a way that those postulates can be fulfilled. The author defines his approach in terms of four characteristics. These are:

1. Participation of the representatives of all significant groups in the government of the country;
2. A high degree of autonomy of the groups;
3. Proportionality;
4. Minority veto.[18]

Power-sharing implies "*jointly exercising governmental power*" and Lijphart stresses the particular importance of the first two of the conditions listed above. As an example of his approach he makes reference to a grand coalition cabinet in a parliamentary system. He says also that power-sharing is possible in presidential systems, but that the power of the president should be somehow counterbalanced so that none of the ethnic groups have an exclusive influence on the governing body. One of the possibilities of power-sharing in presidential systems would be the distribution of the presidency and the other offices among different groups.

With regard to the autonomy of groups Lijphart proposes that on the state level only those issues that are of common concern should be decided on. In this case the decisions should be made jointly by the different groups. Other matters should be left for decision by each separate group. In this way one might say that power-sharing imposes a federal system of a

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[17] This was also a relevant issue when dividing the territory of Bosnia and Herzegovina. Once the Bosnian Serbs agreed on the 49 to 51 per cent division of the country, the issue of the quality of the ground came into question and became the bone of contention. Most of the country is mountainous and only relatively small part of it is suitable for agriculture. A detailed discussion of this argument is presented in: Paul C. Szasz, "The Quest for a Bosnian Constitution..."

[18] Arendt Lijphart, "The Power-Sharing Approach", p. 494.

state in which particular groups exercise a wide range of powers and join only in order to make decisions common and crucial for all of them.

Lijphart is a supporter of a proportional system of political representation, which is supposed to "*guarantee for the fair representation of ethnic minorities*".[19] One thing the author does not clarify here is the level and the understanding of proportionality he is talking about. On the basis of observation of Bosnia and Herzegovina one can distinguish between several meanings of proportionality. The first meaning would be a classic understanding of proportionality, that is, every citizen with the right to vote would be represented in a parliament and other state bodies. The state institutions – first and foremost the parliament - would reflect the results of the voting of citizens. The second meaning is the proportional representation of ethnic groups - rather than citizens – in a state. This is the way the Bosnian institutions are composed: every ministerial post is followed by two vice-ministers. In this triangle one is Muslim, one Serb and one Croat. The structure of the Presidency is likewise – one president and two vice presidents, representing all the three major ethnic groups.[20] As to the parliament, every ethnic group has a third of the places in the higher chamber of the Parliament no matter how big the ethnic groups actually are. The lower chamber is in the third part reserved for the Serbs and the other two thirds are given to the Muslim-Croat Federation to be divided according to the rules they find most satisfying. The number of citizens belonging to an ethnic group is not of relevance for the way the seats in the Parliament are distributed. In this way the representation within the state institutions would be the reflection of the ethnic composition of a country. Proportionality is thus used only in terms of the distribution of the influence on the decision-making process and country governance between ethnic groups. One gross consequence of proportionality related to ethnic groups is the lack of representation of those citizens who do not belong to any of them.[21]

Lijphart does not clarify which kind of proportionality he means. When suggesting possible options for counterbalancing the presence of a majority ethnic group he says that a

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[19] Arendt Lijphart, "The Power-Sharing Approach", p. 495.
[20] An analysis of the ethnic composition of state institutions of Bosnia and Herzegovina can be found in: David Chandler, *Bosnia: Faking Democracy After Dayton.*
[21] This issue is broadly discussed by Zoran Pajić, "The Dayton Constitution of Bosnia and Herzegovina: A Critical Apprisal of its Human Rights Provisions", in: Rein Műllerson, Malgosia Fritzmaurice, Mads Andenas (eds), *Constitutional Reform and International Law in Central and Eastern Europe* (The Hague, London, Boston: Kluwer Law International, 1998). As is obvious from the table presented in the earlier part of this article, there were before the war about 8 per cent of the population not belonging to any of the three major groups. Although the citizen index is still difficult to complete because of a large number of displaced persons and refugees, one can assume that there is still a large group of people whose interests – because of the fact of their not belonging to any of the major groups – are not represented in state institutions.

bigger group could be underrepresented while a minor group could be given more places in a parliament than it would on the basis of its size.

"For instance, a group comprising 80 percent of the population might be given only 70 or 60 percent of the seats in parliament and the ministerial positions in the cabinet or even, in the case of parity, only 50 percent; and the representation of the minority or minorities would be increased correspondingly."[22]

From the above quotation one notices that the division of places – ministerial posts and those in a parliament – is related in Lijphart's way of thinking to the size of an ethnic group. In Bosnia, however, despite the irregularity in the size of groups, the quantitative difference between them did not find an acknowledgement in the composition of the state institutions: the posts go equally to every group, no matter how big they are.

With the minority veto – which is proposed by Lijphart and which is also incorporated into the Bosnian political system – every single ethnic group represented in the institutions of a state can defend its vital interests if the issue at stake endangers them. Minority veto means that when a project of a legal act is seen by any of the groups as endangering their interests they have the right to object to it. Lijphart admits that a minority veto might potentially jeopardise the power-sharing system because when used too often it might lead to the entire obstruction of the decision-making process.

Lijphart selects also a range of factors that favour power-sharing or – if missing – diminish its effectiveness. He states that where these parameters are present, power-sharing is complete and well functioning.[23] These factors are the following:

- The absence of a majority ethnic group;
- The absence of large socio-economic differences among the ethnic groups;
- The ethnic groups are roughly the same size so that there is a balance of power between them;
- There are not too many groups so that negotiations among them will not be difficult;
- The total population is relatively small so that the decision-making process is less complex;
- There are external dangers that promote internal unity;

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[22] Arendt Lijphart, "The Power-Sharing Approach", p. 500-1.
[23] Lijphart is of the opinion that a pure appearance of power-sharing is possible especially when the parameters he presents are present. He gives Belgium and Malaysia as the examples of a successful power-sharing based on the ethnic division.

- There are overarching loyalties that reduce the strength of particularistic ethnic loyalties;
- The ethnic groups are geographically concentrated so that federalism can be used to promote group autonomy;
- There are prior traditions of compromise and accommodation.[24]

It is worthwhile looking at Bosnia through the prism of these factors as the Lijphart model is for the time being the winning one there. Some of Lijphart's elements are absolutely unfamiliar to Bosnians: "the existence of a common threat from outside" cannot be considered to be present there as the whole ally-enemy geometry happens within the Bosnian state rather than involving outside actors. What is more, "overarching loyalties" are most difficult to find as the entire system the Dayton Accords established is based on ethnicity so that ethnic belonging became the point of reference and identity. Previous traditions of compromise date back only to two years before the conflict when the first multi-party elections took place in Bosnia. Some other conditions are contradicted by the international sponsoring parties, which design and impose the implementation of the peace accords. Other missing conditions that are especially emphasised by Lijphart are the "balance of power between groups" and "the absence of socio-economic disparity between them".

With regard to the balance of power the whole process of bringing parties to a negotiating table was based on the idea of equalising the military power of the parties. The American "Train and Equip" programme was initiated to arm Muslims and their Croatian allies (already put together in one entity: Federation of Bosnia and Herzegovina).[25] But as a result the program created another disequilibrium - this time to the disadvantage of the Bosnian Serbs. Thus, the threat appeared that should the international military forces withdraw too early, Muslims would be encouraged (by the fact of having the military advantage) to take revenge on Serbs. "Train and Equip" achieved its short-term goal: the parties to the conflict signed a peace agreement, but on the other hand it left Bosnia with another power disequilibrium.

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[24] Arendt Lijphart, "Power Sharing in South Africa".

[25] The "Train and Equip" programme was supposed to bring about the balance of power in Bosnia. In return for the American equipment delivery and conducting of training, Bosnian Muslims and Croats were faced with several demands, the most important of which was that they were supposed to cease fights between each other and create a unity against the Bosnian Serbs. For the detailed elaboration on the nature of the programme see: Charles Boyd, "Making Bosnia Work", Susan Woodward, "Bosnia After Dayton: Transforming a Compromise into a State", in: Robert L. Rothstein (ed.), *After the Peace: Resistance and Reconciliation* (Boulder, London: Lynne Rienner Publishers, 1999), or United States Institute of Peace, "United States Institute of Peace Special Report. Dayton Implementation: The Train and Equip Program" (Washington D.C.: United States Institute of Peace, 1997).

Lijphart states also that one of the crucial fundamentals of his model is the lack of significant socio-economic disparity between groups. Here it is of use to quote the idea of conditionality. Conditionality means that the economic or political assistance of the international community is tied to and dependent on the fulfilment of political requirements by the ethnic groups of Bosnia. In this way the assistance is made of a packet of economic and political means in which the delivery of economic aid is conditional to the prior completing of certain requirements (usually of political nature) by the parties who are the recipients of this aid. It is expected that in this way the donor parties would have more influence on the peace process and the parties to a conflict would be more eager to implement peace accords and follow the instructions of the international sponsoring parties. As de Soto and del Castillo write, "*conditionality would thus serve peace rather than purely economic goals*".[26]

Conditionality applied in Bosnia can easily bring about an effect opposite to the one intended. It is a fact that for the first two years after the conclusion of the Dayton agreements, the Bosnian Serbs were receiving barely 1,3 per cent of the total assistance that was directed at Bosnia and Herzegovina whereas the rest of it was delivered to the Federation.[27] Boyd goes further with his inquiry and asks why it so happened.[28] The most frequent answer he was getting from the United Nations officials was the Serbian non-compliance with the Dayton provisions. Explaining Serbs Boyd writes:

> "But compliance with Dayton is a flexible notion. Mayors in Srpska, I was told, had to certify in writing their support for multi-ethnicity (a political suicidal act for most) before being considered eligible for aid. Yet that requirement was not applied in Muslim and Croat regions with equally cleansed ethnic populations."[29]

Here one experiences the irregularity of political conditionality applied by the international bodies to the peace process in Bosnia. This irregularity - more than the entire idea of the implementation of conditionality – created a counter-effect: the impoverishing of one part of the country - i.e. Republika Srpska – while stimulating a relatively dynamic reconstruction of the Muslim-Croat Federation. This is not to say that the concept of conditionality should be discarded altogether. In some cases it can be the only way to encourage the parties to a conflict to comply with the obligations they committed themselves to in peace agreements. It

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[26] Alvaro de Soto and Garciana del Castillo, "Obstacles to Peacebuilding", *Foreign Policy*, 94 (1994), p. 80.
[27] About the distribution of the assistance see: Susan Woodward, "Bosnia After Dayton...", Charles Boyd, "Making Bosnia Work", or Elizabeth M. Cousens, "Making Peace in Bosnia Work".
[28] Charles Boyd, "Making Bosnia Work".
[29] Charles Boyd, "Making Bosnia Work", p. 47.

is rather the way conditionality is used in Bosnia that causes one of Lijphart's fundamentals to the peace-process to be undermined: instead of a regular growth of the whole country, conditionality promotes socio-economic differences between ethnic groups.

The Integrative Approach to Power-sharing of Horowitz

Horowitz starts from a different point than Lijphart, saying that the building of cross-ethnic links is important not only at the central level, but also on as many other as possible. He puts forward the idea that the political and electoral systems should be constructed in multi-ethnic societies in such a way that the co-operation between groups is an absolute necessity in order for the state institutions to be formed. Horowitz admits that "*in most of the serious conflict cases, ethnically based political parties pervade civilian politics.*"[30]

There is nothing wrong with that as long as one can manage the ethnic divergences in a peaceful way. According to Horowitz this is equal to the involvement of the whole society in the decision-making process so that all of the groups have an impact and none of them is omitted. At the same time there are links built between groups so that a progressive de-ethnicisation of politics takes place. Thus, it is fundamental for peace that the "losers" and "winners" share the responsibility for a post-conflict state. In a case like the Bosnian one where it is difficult to say that anybody won, one can assume that what Horowitz postulates would be the participation of all the stake holders in the process of state governing. All the effort and solutions he proposes are in order to rub the cleavage between ethnic groups out and to bring them to run a country together. Horowitz tries to find an alternative to the ethnic division of a state and to diminish the structural difference between those groups. The first thing he proposes is de-politicisation of ethnic groups, which has implications for the shape of the state institutions.

Similarly to Lijphart, Horowitz is of the opinion that the devolution of state competencies can do only good to a peace process. He quotes the doubts of some that the de-centralisation of a state is the shortest way to secession and estimates that this way of thinking is out of date as a "*part of the problem of ethnic conflict is a matter of finding a way around the stumbling block of contemporary conceptions of sovereignty.*"[31]

Lijphart agrees with this perception adding that it is in fact the efforts to refrain from the devolution of state power and secession that produces unnecessary violence rather than the

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[30] Donald L. Horowitz, "Making Moderation Pay...", p. 455.
[31] Donald L. Horowitz, "Making Moderation Pay...", p. 453.

secession in itself.[32] Both Horowitz and Lijphart – no matter how they see the relations between the ethnic groups – suggest the decentralisation of a state so that the ethnic groups enjoy a relatively large amount of self-rule. This respective independence would have a number of advantages, the feeling of not being dominated by another group being the cardinal one. The sensation of dominance is a crucial issue in peace-building as all the groups fight for is not to be governed by another group. A considerable and wide ranging independence – such that the parties do not feel dominated and do feel that they have an influence over the decision-making process and the governance – is the crucial if not the only demand they have. As for instance in Bosnia - as has been mentioned before -, the Serb fear of being dominated by Muslims (who were a numerical majority of the population of Bosnia) pushed them to initiate a war. Also after the resolution of that military conflict the ethnic societies demanded one of the forms of separateness: preferably a separate state or at least a large degree of autonomy within a loose state. The compromise that came as a result of the Dayton talks tries to accommodate these demands but as the majority of these are in contradiction to each other this is not an easy job.

A premise related to autonomy is for Horowitz mutual respect for and acceptance of differences related to ethnicity. For instance he quotes the Malaysian constitution of 1957 and the language act of 1967 that allowed all the languages spoken in the country (i.e. English, Chinese, Tamil and Malay) to be liberally used. The leading idea of Horowitz's is, then, the inclusion of all the societies that are in a state with all the "attachments" they bring (like for instance a different language) and the construction of a state on the basis of the acceptance of a whole plenitude of divergences. He puts forward that the accommodation of all the differences is the most solid basis of peace.

Horowitz analyses the working of his postulate by looking at the examples of Malaysia and Sri Lanka. By the comparison of these two he tries to isolate factors that are making a political system effective. The crucial contrast between the Malaysian and Sri Lankan cases was the role of multiethnic parties. In Sri Lanka all the dominant parties were ethnically based whereas in the Malaysian system a multiethnic political party played a major role. The author states that this is precisely the rule of a multi-ethnicity of parties that makes the entire Malaysian political system of power-sharing effective and that power-sharing, subsequently, becomes a stable basis for peace.

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[32] Arendt Lijphart, "The Power-Sharing Approach", p. 493.

Horowitz is a great supporter of the latter solution – that of Malaysia – which would be the core of the entire system he proposes. By the formulation of multiethnic parties he tends to force the cleavages between groups onto a different track so that from tensions between ethnic groups they become conflicts between other kinds of groups. In this way the ethnic difference is pushed into being a sub-plot to the political processes. The ethnic difference between groups would be substituted by other types of difference – like for instance the disparity between employees and employers. This way of reasoning of Horowitz works towards the diminution of the role of ethnicity in political life.

In order for multiethnic parties to be formed one needs to design an electoral system in which political parties would be forced to find the support of more than one ethnic group. Obviously, in such a system the parties would need to present political programs consisting of a universal offer so that it would be suitable for all the citizens no matter from which of the ethnic groups they are. Naturally, that offer would be far away from playing on the cleavages between groups as it would be required to be based on something that is in the common interest of all the citizens. Instead of taking advantage of differences, the parties would be forced to find a common interest of their target groups. Horowitz writes: "*The most reliable way, under conditions of democratic elections, is to make politicians reciprocally dependent on the voters of members of groups other than their own.*"[33]

The easiest way of obtaining this goal would be the requirement for a party to move into parliament to obtain a supermajority larger than any single group could provide. That means that in countries with a relatively small number of ethnic groups, in order for a party to get to the parliament it would need to obtain sometimes close to 50 per cent of votes (and in fact if there were only two groups – even over 50 per cent). For instance in Bosnia the biggest ethnic group consist of roughly 44 per cent of the population. In order for any party to participate in the Bosnian parliament it would need to obtain over 44 per cent of votes. It would perhaps be a workable option for the biggest group as it would need to get only a few votes more than its own ethnic group could provide. But it would be rather unreachable for all the rest of the groups as for instance the smallest of them has only 17 per cent of the population.[34] Horowitz

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[33] Donald L. Horowitz, "Making Moderation Pay...", p. 471.

[34] My own observation from supervising elections in Bosnia and Herzegovina three times, in different places of the country, is that voter turn out is very high. In some polling stations it would reach above 90 per cent, whereas generally it reaches 75 per cent and above. The level of awareness of the Bosnian population, their realisation of the importance of their votes and the fact of winning the elections becomes a very present motive in their entire lives and creates solidarity between them. It is, also, a sign of a still present and intensive sensation of competition between different groups. It is also not without reason that all the leading political parties were created around nationalist programmes.

says that as none of the ethnic groups alone would be able to achieve all the votes necessary they would need to work together with representatives of other groups, which would stimulate bargaining processes and coalitions. But even then parties would need to get more than 44 per cent of votes, which is an enormous amount in a multiparty, proportional voting system. The Horowitz idea would be supportive to is a majority, bi-party political systems. In this system, the limited number of parties (i.e. not much more than two) would allow the concentration of votes so that one of them can achieve more than 50 per cent or otherwise it would need to rule in a coalition. This solution would be relatively dangerous if the winning party was ethnically dominate. Thus, the system would make this ethnic majority of the party rule the whole country. The distribution of influence within multiethnic parties would need to be also regulated and guarded.

Paris mentions an alternative electoral system to be applied in multiethnic countries.[35] He puts forward the idea that a system might be based on the logic that a successful candidate would win a plurality of votes cast in the entire country and - within this - a given percentage of votes cast in each of the ethnic communities or regions. According to Paris this system is well functioning in Australian elections to the House of Representatives. In this way a double requirement as to the number of votes would be established.

The Assessment of Power-sharing

Both of the above models – i.e. Lijphart's and Horowitz's – are considered to be sometimes inefficient and weakly confirmed by practice to work.[36] Snyder points out that the institutionalised power-sharing alone with the constitutionalisation of ethnic divisions is not enough to reconcile ethnic groups indicating that Lijphart's solution tends more to freeze conflict instead of resolving it.[37] Both Snyder and Paris turn our attention to the electoral rules being a crucial aspect and an area of fragility.[38] Paris underlines that the Constitution of Bosnia and Herzegovina that was set up as a part of the Dayton arrangements promotes a consensual way of decision making (all the ethnic groups are given a veto power over most

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[35] See: Roland Paris, "Peacebuilding and the Limit of Liberal Internationalism", *International Security*, 22/2 (1997), pp. 54-89.

[36] The major critics of both concepts presented here can be found in: Paul Brass, *Ethnicity and Nationalism* (London: Sage, 1991), Ian Lustick, "Lijphart, Lakatos, and Consociationalism", *World Politics*, 50/1 (1997), pp. 88-117, Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict*, (New York, London: W.W. Norton & Co., 2000).

[37] Jack Snyder, From Voting to Violence...

[38] Jack Snyder, *From Voting to Violence...*, Roland Paris, "Peacebuilding and the Limit of Liberal Internationalism".

important issues). At the same time, it does not require candidates for members of the Bosnian Parliament to get votes from the opposing ethnic groups (which would be a Horowitz's concept). In this way – and along the way of reasoning of Lijphart – members of the Parliament are representatives of only their own groups. As a result of the use of the power-sharing model and the electoral system supporting ethnic divisions that is observed in Bosnia, the effectiveness of the decision-making process depends on the good will of the ethnic groups. There is no institutional encouragement for the parties to co-operate but that of the idea that co-operation brings more advantages than conflict. This idea, however, does not have to be shared by leaders of ethnic groups. As Horowitz notices for most leaders most of the time leading war is more rewarding than peace. Thus, when not forced to co-operate and well equipped to sabotage decision-making process, members of the Parliament can be tempted to block the decision-making process. The lack of counterbalancing power-sharing solutions with the electoral system – as has been said – is a weak point both in Lijphart's and Horowitz's theories. This lack of counterbalancing is present also in the Bosnian state and creates a real danger for the functioning of state structures. It thereby jeopardises the whole processes of peace-building in Bosnia. One question appears here of whether the Parliament of Bosnia and Herzegovina is able to function in a power-sharing model and without the electoral system encouraging the parties to co-operate.

Some – like Chandler – are of the opinion that the peace process in Bosnia would be much more successful if the Horowitz model had been followed rather than that of Lijphart.[39] Indeed, in practice there were some trials to encourage cross-ethnic political movement. One of them was a "Coalition for Return" – a party seeking the support of refugees, with the mandate to represent displaced people and working towards their return.[40] "Coalition" however – despite the fact that the number of displaced population amounts to hundreds of thousands – did not manage to establish itself as a strong political representation.[41] Cross-ethnic political movements are not popular nor welcome among the people of Bosnia and the current situation does not allow much room for them. There were numerous incidents in which leaders of this kind of political enterprises were subject to incidents. One of them was

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[39] David Chandler, Bosnia: Faking Democracy after Dayton.
[40] For the reading about the "Coalition" see: Elizabeth M. Cousens, "Making Peace in Bosnia Work".
[41] Elizabeth M. Cousens, in her "Making Peace in Bosnia Work" gives the following numbers as to the population without a durable solution for living in 1997: 815,000 refugees outside the country and 866,000 displaced internally. All these could have been a potential electorate, a target group for the "Coalition for Return".

an attack on Bosnia's war-time Foreign Minister Haris Silajdzic then a candidate from the list of a cross-ethnic party.[42]

What Remedy for Bosnia?

The new Bosnian state emerged as a compromise between the interests of several parties. It comprises two Entities well equipped with competencies and a state level of government that in fact is more an arena for the Entities to run their fights for power rather than an efficient management body.[43] As the International Crisis Group reports:

> "Today Bosnia and Herzegovina has three de facto mono-ethnic entities, three separate armies, three separate police forces, and a national government that exists mostly on paper and operates at the mercy of the entities."[44]

As has been mentioned before, the Bosnian state is based mostly on the Lijphart concept of reconstructing an ethnically divided state. That is, ethnic cleavages are constitutionalised and taken as a basis when forming the structure of the state. In the Bosnian case, however, some of the vital Lijphart preconditions for the model to be successful were not fulfilled (i.e. the lack of a common danger, the overarching loyalties, the absence of socio-economic disparity between groups). Moreover, some of Lijphart's proposals led to a stalemate in the development of the state institutions: "participation of the representatives of all significant groups in the government" is present. But no rights for the minor ethnic groups are worked out, excluding in the same way about 8 per cent of the population from the management of the country. The groups have a high degree of autonomy to the extent of keeping three separate armies, the main preoccupation of which is to defend their territories against each other, and not – as in democratic states – to defend the country against an external enemy. The division

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[42] On the attack on Haris Silajdzic and other political leaders promoting cross-ethnic movements see: Elizabeth M. Cousens, "Making Peace in Bosnia Work".

[43] Annex 4 "Constitution of Bosnia and Herzegovina" to the Dayton Peace Accords indicates the areas of responsibility of the particular levels of government. Article III paragraph 1 makes a list of competencies of the state level of government: (a) foreign policy, (b) foreign trade policy, (c) customs policy, (d) monetary policy, (e) finances of the institutions and for the international obligations of Bosnia and Herzegovina, (f) immigration, refugee, and asylum policy and regulation, (g) international and inter-Entity criminal law enforcement, including relations with Interpol, (h) establishment and operation of common and international communications facilities, (i) regulation of inter-Entity transportation, (j) air traffic control. The same article, paragraph 2 presents the list of competencies of Entities and paragraph 3 adds that all the functions and powers that are not explicitly assigned to the state level of government will belong to the Entities. When one looks at the list of the competencies assigned to the state level of government, it is striking that neither national defence nor the tax issues figure there. According to the current Constitution of Bosnia, these powers belong now to the Entities which deprives the entire state of one co-ordinated policy in these two crucial sectors. This, also, makes the state fully dependent on the Entities with respect to defence and the delivery of financial resources to the state budget.

[44] International Crisis Group, "Is Dayton Failing: Four Years After the Peace Agreement", 1999.

of the budgetary competencies between the state and Entities results in the making of a state budget in the middle of a year instead of at the beginning.[45] Proportionality is understood as an equal representation of ethnic groups rather than citizens, and a minority veto allows every of the represented groups to slow down and even block the decision-making process.[46]

The model of Lijphart was implemented although what he considers the preconditions were hardly present in Bosnia. An alternative system of distribution power in a state would be the proposal of Horowitz – one state with the political and party systems diminishing ethnic cleavages. This system, however, was not an option for Bosnia, as was demonstrated in the process of peace negotiation. These negotiations took place between ethnic groups that were fighting the war and these were the same ethnic groups that were negotiation at Dayton.[47] It was obvious, then, that the exclusion of ethnic divisions from the formation of the Bosnian state would not be in any way possible. This would mean for the parties to the conflict and, subsequently, negotiations to eliminate themselves from political life which, obviously, none of them would agree on. The later trials of introducing cross-ethnic political movement resulted in physical attacks on their leaders. These movements got also relatively low support form citizens so that they did not manage to establish themselves as a significant political representation.

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[45] During my stay in Sarajevo in late May 2002, the Parliament was still working on the construction of the budget for 2002.

[46] When doing my research in Sarajevo, I asked the secretary of the Constitutional Commission of the higher house of the Parliament how long it usually takes for the Parliament to adopt a legal act from the time the proposal appears in the Parliament. His answer was: "about two months if they want to adopt it. If they don't want to adopt it, it can take forever." Another issue about the speed of the decision-making process is the quorum requirement. For instance a proposal of a law on refugees and displaced people was presented for the first time in the Parliament on 6 June 2001. On 9 October 2001, after several attempts, the law was still neither accepted nor rejected because of the procedural reason of an appropriate quorum not being achieved at any of the sessions. One should mention here that the quorum issue is a vital problem in Bosnian Parliament as there is a double requirement established by the Constitution. This means that apart from a majority of votes being required, a certain number of MPs from every of the Entities and even ethnic groups has to vote in favour of a legal act.

[47] Szasz writes about the way the negotiations at Dayton were proceeding. From his description one learns that the parties to the conflict did not see each other for the entire time of the peace talks. Kept separately in different buildings, it was the negotiating American team that was moving between them, never allowing the groups direct confrontation. This technique certainly allowed the negotiators to play on the lack of knowledge of one group about what the other ones agreed on. The fighting parties met each other on the very last day only in order to sign what had been agreed. In addition to this, the way the parties were represented is worth pointing out. Bosniacs were represented together with Croats under the name of Federation of Bosnia and Herzegovina, the making of which was a prior condition to receive American assistance within "Train and Equip" programme, but in fact the Croat interests were guarded more by the government of Croatia present at Dayton. The Bosnian Serbs were negotiating jointly with the Belgrade government, unified in one negotiation team by an agreement. About the way the peace talks were proceeding see: Paul C. Szasz, "The Dayton Accord...". About the way of representation of the parties see: Paula Gaeta, "The Dayton Agreements and International Law", *European Journal of International Law*, 7 (1996), pp. 147-63. About the American efforts to bring the parties to a negotiation table see: Charles Hauss, *International Conflict Resolution*.

The Bosnian situation is maybe not promising but also not impossible. The main achievement of the international forces and internal efforts is that since 1995 there was no re-occurrence of the military conflict. The conflict changed its form and shifted into the state institutions but there at least violence is limited and does not influence the civilian population directly. There may well be no other way but that of the ethnic division of the state and its institutions. However, although the Bosnian version of Lijphart's model is not without its shortcomings, it does show some indications of moving towards a viable future where perhaps the state may function independently without the ever present international support.