**Federalism as a tool of conflict-resolution: The case of Bosnia and Herzegovina**

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**Abstract**

Federalism has been used as a tool to end the violent conflict in Bosnia and Herzegovina and ensure political cooperation after the war. However, the ideology of federalism as well as the federal state institutions were constructs of international actors and not indigenous to Bosnia. As a consequence it can be witnessed how the idea of federal statehood remains challenged from all sides in Bosnia and Herzegovina today.

While there have been a number of important reforms in Bosnia since 1995, these have generally focused on strengthening the central level at the expense of the entities. What the reforms have not created is an environment in which the Bosnian state as such is not challenged anymore. Instead, the EU had to realize that its conditionality is not working in Bosnia since local elites continue to see politics as a zero-sum game. What Bosnia needs is a constitutional reform in which the major parties agree on the nature of the Bosnian state and their relationship to the state and to each other. These reforms have to be achieved through local compromise and cooperation and cannot be imposed from the outside. Finally, this paper will demonstrate how federalism has contributed to building peace and building a federal state in Bosnia, but how it has failed in creating a consensus on the state and ensure that all parties accept the states and its federal nature.

**Introduction**

Federalism has become an important tool of conflict-resolution in the past two decades. In countries that face violence between different territorially concentrated groups, federalism has been used to ensure autonomy for the different groups on one side and their inclusion through power-sharing mechanisms in central government on the other. Examples include Bosnia, Nigeria, Iraq and Nepal. However, there is little empirical evidence to suggest that federalism is a successful strategy, in particular in those societies where a general will to live together in the same state is missing.

This article, by studying the case of Bosnia and Herzegovina, which became federal as a result of the Dayton Peace Agreement in 1995, argues that federalism might be successful in addressing some needs of different opposing groups. However, the main challenge for post-conflict societies that adopt a federal system is to agree on the nature of the state. Bosnia offers a particularly useful example because the federal system has been working for more than 15 years and heavy international involvement meant that it became a key case of international state-building and democratization after the end of the violent conflict. Certainly, future federal experiences in post-conflict societies from Cyprus to Somalia will use Bosnia and Herzegovina as a model, for better or for worse.

After a short clarification of term, this contribution will discuss the theoretical argument for federalism as a tool of conflict-resolution. By combining federalism and consociationalism, it will be demonstrated how shared-rule and self-rule can be useful in addressing the demands of territorially concentrated ethnic groups for more autonomy and self-government, while at the same time preserving the territorial integrity of the state. The second part of the paper will briefly describe the use of federalism as a tool of conflict-resolution in Bosnia and Herzegovina. What is important to highlight in this context is that the federal system was never voluntarily agreed upon by the conflicting parties; but instead it was imposed by international actors who later became very important actors in the political process in Bosnia. The third section will analyze the developments of Bosnia and Herzegovina since 1995 and the conclusion will draw on some important lessons learnt in Bosnia.

**Clarification of terms**

To assess the use of federalism as a tool of conflict-resolution in BiH, it is important to clarify a number of key terms. Federalism as such has to be ‘taken philosophically or ideologically rather than institutionally, most frequently appeals for a marked degree of regional independence and autonomy’ (King, 1982: 74). In the words of Ronald Watts, one of the leading researchers in the field, federalism

refers to the advocacy of multi- tiered government combining elements of shared- rule and regional self- rule. It is based on the presumed value and validity of combining unity and diversity and of accommodating, preserving and promoting distinct identities within a larger political union. The essence of federalism as a normative principle is the perpetuation of both union and non- centralization at the same time (Watts, 1999: 6).

While federalism describes an ideology, a philosophical principle of shared-rule and autonomy at the same time, federation refers to a federal state. Watts describes a federation as a

compound polity combining constituent units and a general government, each possessing powers delegated to it by the people through a constitution, each empowered to deal directly with the citizens in the exercise of a significant portion of its legislative, administrative, and taxing powers, and each directly elected by its citizens (Watts, 1998:121).

Surprisingly, the Bosnian Constitution does not describe the country as a federal state or uses the term federalism. It uses the term “Federation” to describe one of the two entities as the Federation of Bosnia and Herzegovina (FBiH), because this entity itself consists of ten constituent units, which are called cantons. However, while the American, the German and the Belgian Constitutions clearly point out the federal nature of these states, this is not the case in all federal countries. Besides Bosnia, the Indian Constitution abstains from using the word “federalism,” and there is no reference to the federal principle in the Spanish Constitution either. While these Constitutions refer to regionalism and regions, Bosnia has to be characterised as a federal state because Article 1 (3) of the Bosnian Constitution reads that ‘Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska’ (General Framework Agreement, 1995). At the same time Article 3 points out clearly the competences between the federal level and the entity level. Institutions at both levels are directly elected by the citizens and the entities are also involved in decision-making at the central level through the House of Peoples and veto possibilities in the House of Representatives. Indeed, an “entity veto” exists, because decisions taken in the House require the support of MPs from both entities (Article 4 (3d)). While generally federal law prevails, the decision-making competences of the central government have been limited and have only evolved over time. Furthermore, the three Bosnian constituent peoples, Bosniaks, Serbs and Croats play a key role in the political institutions at all levels. This is why Bosnia and Herzegovina can be qualified as a multinational federation. The federal system aims at ensuring a fair division and share of powers among the three constituent peoples and the provision of autonomy for these nations in their territorial units. While neither the entities nor the cantons in the FBiH are defined as mono-national,[[1]](#endnote-1) the political reality is that they are and understand and define themselves as such.

**Federalism as a tool of conflict resolution**

Conflict resolution refers to a process of transforming violent conflicts ‘into more constructive relations between states, peoples and groups’ (Wallensteen, 2007: 3). However, researchers on conflict resolution have pointed out that the resolution of a conflict does not finish with the end of violence. Ramsbotham, Woodhouse and Miall (2007: 29) for example distinguish between conflict management, which they define as ‘peacekeeping and war limitation.’ Conflict resolution, however, refers to ‘a more comprehensive term which implies that the deep-rooted sources of conflict are addressed and transformed.’ The question for the purpose of this paper therefore is to what extent federalism as a theory and federation as a practical solution can help not only to end the violence in a conflict but also to address to root causes of this conflict and transform the relationships between the former enemies into more constructive and cooperative forms of interactions. Federalism as a theory refers to the ideology of shared-rule and self-rule, to the connection of (territorial) autonomy and joined decision-making in central institutions at the same time. Its values focus on the celebration of diversity, mutual respect, reciprocity and a general will to cooperate and live together (Burgess 2006). Federalism can offer a solution to conflicts, in which territorially concentrated minority nations demand recognition, autonomy and representation in central institutions. These conflicts usually evolve as a result of a history of neglect by the majority population and they can take many different forms, either as a struggle for independence, as was the case in Kosovo in the 1990s, as a fight for recognition and autonomy, or as an asymmetrical form of warfare through terrorist and guerrilla acts. What all of these conflicts have in common is the clash of different identities and indeed the clash of different nation-building projects. While the nation-building project of Quebec in Canada never erupted into large-scale violence, it can nevertheless serve as an example to demonstrate the conflictual nature of different national identities within the borders of one state. Quebec’s quest for recognition and more autonomy is not about the independence of the French-speaking province from the rest of Canada. It is about the recognition of diversity, the recognition that Quebec is different and that this diversity is worth protecting, celebrating and indeed promoting. Only when English-speaking Canadians failed to understand this message and take appropriate actions to support the culture and identity of Quebec did the quest for recognition turn into a demand of independence from the rest of Canada (Burgess, 2001, Kymlicka 2000).

Federalism can be a tool of conflict resolution, if the conflict is about the recognition of diversity, territorial autonomy and power-sharing in central institutions. This is why federalist theory and consociationalism, which focuses on power-sharing among different nations within one state, are highly interlinked, as both focus on the combination of (territorial) autonomy and elite power-sharing in central institutions (Lijphart 1977, 1985, Elazar 1985). While federalism focuses more on a territorial solution to the conflict between different identities, consociationalism highlights the important of elite cooperation, veto rights and proportional representation. Having said this, rather than favouring one over the other, societies in which different groups have been in conflict with each other over territory, autonomy, power in local and central institutions and over economic resources will require a complex institutional architecture to transform violence into new peaceful patterns of interaction. Therefore, power-sharing approaches from all sides, as well as different forms of territorial and non-territorial autonomy need to be explored and applied to each case individually depending on the circumstances (Sisk 1996, Wolff 2009). In fact, Bosnia and Herzegovina can be seen as a major example of the combination of a federal political system with consociational power-sharing institutions. Before looking at the federal system in Bosnia in depth, the attention shall focus on the origins of the federal idea and the implementation of a federal state in Bosnia.

**The origins of federalism in Bosnia**

It is important to point out that Bosnia and Herzegovina has never been organised federally before 1995, when the Dayton Peace Agreement between Bosnia, Yugoslavia (consisting of Serbia and Montenegro) and Croatia ended the conflicts among these countries and reordered the political system of Bosnia. In fact, Bosnia has never even been an independent country before 1992, when it declared independence from Yugoslavia after Croatia and Slovenia had done so already months before. When Bosnia declared its independence in 1992, the leading politicians of the main parties agreed on elite power-sharing but abstained from implementing a federal system, because Bosnia’s population was intermixed and there was no ethnic homogeneity in larger parts of Bosnia’s territory. Already before Bosnia declared its independence from Yugoslavia, the Bosnian Serbs under the leadership of the Serb Democratic Party (SDS) and their leader Radovan Karadžić established autonomous municipalities, which were later connected to the autonomous Serb region in Bosnia. In the wake of Bosnia’s declaration of independence, the SDS announced the independence of all territories under its control from Bosnia and established the Republika Srpska (RS), which opted for staying in Yugoslavia and therefore seceded from Bosnia. The violent conflict broke out shortly after Bosnia declared its independence in April 1992 and at the heart of the conflict was the aim of the SDS to occupy as much territory of Bosnia as possible and simultaneously ethnically cleanse these territories of its non-Serb population. The Army of Bosnia and Herzegovina, which was the official army of the government, but became more and more a Bosniak Army close to the Party for Democratic Action (SDA) of President Alija Izetbegović fought against the army of the RS and for the territorial integrity of Bosnia as a whole. During the conflict from 1992 to 1995, there was also a fight between the army of the Bosnian Croats and the Army of Bosnia, because the Bosnian Croats, with support from the Tudjman regime in Croatia also fought for the secession of Croat populated areas from Bosnia and their accession into Croatia (Hoare 2004). Essentially, the war in Bosnia and Herzegovina was about the right of the Serbian and to a lesser extent also the Croatian population of Bosnia to secede from the country and either establish independent statelets or join Serbia and Croatia respectively. The argument presented by the Bosnian Serbs particularly was one of suppression and discrimination. According to the SDS, the Serbs in Bosnia faced a continuous threat from a Bosniak-Croat alliance and were likely to end up in a permanent minority position. Furthermore, the agreement of the late communist years, that Bosnia is the country of Bosniaks, Serbs and Croats alike had been broken, because Bosniaks and Croats failed to take into account the opinion of the Serbs in Bosnia, who did not want to leave Yugoslavia. As a consequence, the Serbs of Bosnia decided to secede from Bosnia and form their own nation-state, which would remain in Yugoslavia and possibly eventually unite with Serbia proper.

The conflict in Bosnia was also one about identity and the protection of diversity. For the Bosnian Serbs, leaving Yugoslavia meant losing the direct contact to the kin-state of Serbia. For Bosniaks and Croats however, independence meant freedom from the rule of the Milošević regime in Belgrade. While the argument of the Bosnian Serbs about recognising their identity and their essential need to stay with the kin-state Serbia certainly is important, what can be examined in Bosnia is the conflict of a number of nation-building projects and the development of ethno-nationalism in its worst form.[[2]](#endnote-2) The conflict was essentially one about territorial control and the creation of ethnically homogenous regions.

What is striking about the war in Bosnia in the early 1990s is the involvement of many international actors right from the beginning, including the United Nations (UN), the European Community (EC, after 1993 European Union, EU), NATO, the Organization for Cooperation and Security in Europe (OSCE), as well as the USA, European countries, Russia and even Turkey and countries of the Middle East. The Bosnian political scientist Mirko Pejanović has characterised this involvement of international actors as the ‘Internationalization of the Bosnian question’ (Pejanović, 2007). It was also the policy of these international actors that first mentioned the creation of a Bosnian federation. While the Carrington-Cutileiro plan of February 1992 focused on devolution and elite-power-sharing, it was the Vance-Owen Peace Plan, which foresaw the “cantonization” of Bosnia. According to this plan, Bosnia was to be divided into ten cantons, each of these was to be ethnically defined. While the plan eventually failed, it fuelled the conflict between Bosniaks and Croats. The Owen-Stoltenberg Plan of August 1993 foresaw the division of Bosnia in three statelets, one Bosniak, one Croat and one Serb. The plan can be qualified as the ultimate confederalization, as the central government would have had only limited powers and the three statelets were the main carriers of sovereignty and decision-making powers. Finally, in 1994 the Contact Group developed a plan, which was to become the basis for the Dayton Peace Agreement in November 1995. Bosnia’s current federal model is based on the ideas of this Contact Group Plan, which foresaw that the FBiH, which was established in 1994 under American mediation, would control 51 per cent of Bosnian territory and the RS would consist of 49 per cent. The plan also foresaw the establishment of strict power-sharing mechanisms at the central level to ensure the participation and protection of all three constituent peoples (Bieber 2010).

Federalism as a solution to the conflict in Bosnia and Herzegovina is a distinct international idea. As Sumantra Bose has rightly formulated it, Bosnia is ‘a state by international design and of international design’ (Bose, 2002: 60). Steven Burg and Paul Shoup (1999) have also pointed out that the international involvement in the Bosnian conflict has been remarkable and that it was due to international actors that ethnic separation became the main approach to conflict resolution. There has been a lot of criticism of the involvement of the international community in the war and consequent peace negotiations in Bosnia. The main arguments claim that Bosnia has never been divided along ethno-national lines and that the international community, by accepting the division of Bosnia in two entities and three de-facto homogeneous areas accepted the ethno-national division of Bosnia and Herzegovina (Bebler 2008, Hoare 2007, Malcolm 2002). This argument only holds true to a certain extent, as there is a lot of evidence that the Bosnian society has always been divided along religious and later ethnic and national lines. The first parties that formed in Bosnia in the early 20th century defined themselves as Muslim, Croat and Serb (Hoare, 2007: 80). Thereafter, there has always been a focus on party representation of the three main religious and ethnic groups, even within the communist parties, which focused on proportional representation of Bosniaks, Serbs and Croats within the League of Communists of Bosnia and Herzegovina particularly after 1963, when the Bosniaks were officially recognised as an ethnic group. What however is new in Bosnia after 1995 is the combination of ethno-national identity and territorial control. The territories in Bosnia, the entities and the cantons in the FBiH understand themselves as nation-states, as ethno-national homogeneous statelets, in which one dominant group prevails and all other groups are considered minorities. However, this again is not due to international action or inaction, but it is a distinct result of the Bosnian war. Ethnic cleansing led to the creation of homogenous areas and the international community has gone through great lengths to undo this and ensure a safe and complete return of refugees and internally displaced persons.

The origins of the current federal system in Bosnia are many. There is some resemblance of the Yugoslav model of federalism such as the focus on power-sharing between the different national groups and the rotating Presidency. There is also an element of the American Tradition of federalism in the Constitution, because there are no secession clauses and it is clearly pointed out that Bosnia is the creation of the entities. Furthermore, the results of the war played a key role in the establishment of the federal system. Ethnic cleansing led to homogeneous territories and federalism was to ensure autonomy and shared-rule simultaneously, therefore providing the entities (and with them the national groups) with far-reaching autonomy, while at the same time ensuring the continued existence of Bosnia and Herzegovina as a united state by enforcing power-sharing in central institutions and avoiding all references to secession and indeed even federalism in the Constitution. Finally, the impact of the international negotiators on Bosnia’s federalism cannot be overestimated. As Richard Holbrooke (1999), the chief US negotiator at Dayton pointed out himself, US officials have been heavily involved in redrawing the map of Bosnia, writing a Constitution and ensuring other important agreements to ensure the viability of the peace agreement and to ensure that it could be implemented on the ground.

Because of these many different historical sources and because of the distinct impact of both the recent war and the international engagement in Bosnia it is possible to qualify the federalism applied in Bosnia as a form of “imposed federalism.” Watts described federalism as an ideology of shared-rule and self-rule, of autonomy and power-sharing. In Bosnia this ideology was imposed upon the local elites by international actors as well as by the circumstances of the Bosnian war. The ethnic cleansing of the war made a federal system possible, while international actors made it clear that they would not allow the secession attempts of the Bosnian Serbs and the Bosnian Croats. The ideology of shared-rule and self-rule was imposed on Bosnia, because international actors, most importantly Holbrooke and his team came to the conclusion that the war in Bosnia was basically about territory and identity preservation. Therefore, federalism was to ensure the territorial autonomy of Bosniaks, Croats and most importantly Serbs. This is why the Republika Srpska was allowed to continue to exist. At the same time, power-sharing and veto rights in central institutions ensured the protection of the identity of the three national groups through a complex consociational institutional design and ensured that no major decisions could be taken without consensus and cooperation. This was aimed at reducing the fears of the different groups to become a minority in the state. In this way federalism would protect the Serbs from a Bosniak-Croat alliance but it would also ensure the political participation of the Bosnian Croats, the smallest of the three groups. Finally, it was a mechanism of political protection for the Bosniaks as well, the group that has suffered the most during the war. The imposed federalism applied in Bosnia was therefore a compromise based on the premise that territorial autonomy, not secession would be allowed for Serbs and Croats and that Bosnia will continue to exist as a united country, a key demand of the Bosniaks. Finally, Bosnia’s federalism can be classified as “imposed” because none of the three national groups preferred a federal solution in 1995. Serbs and Croats wanted to secede and ultimately join their kin-states. Hence, territorial autonomy in a united Bosnian state was a defeat of the main Serbian war aim and the ultimate end to the dream of a Greater Serbia. Bosniaks favoured a decentralized state with a strong central government. However, they rejected the ethno-national organisation of the Bosnian state as a result of ethnic cleansing. Only the pressure of the United States, NATO and the EU ensured that the parties agreed on the Dayton Peace Agreement. Besides, Bosnian Serbs and Bosnian Croats were not even directly involved in the major debates and decisions in Bosnia, as they were represented by leading politicians from Serbia and Croatia instead. Therefore, they never completely agreed to the peace treaty and Karadžić and others argued their case in the aftermath of the implementation the peace agreement.

Federalism became a tool of peace-making. It ensured the existence of a united Bosnian state, while providing autonomy and extensive veto rights to Serbs and Croats in the central institutions of the state. Because federalism addressed some but not all demands and fears of all groups, it became the preferred method of international actors to bring peace to Bosnia. In the end, the involvement of the United States ensured that the Bosnian elites would be pressured into agreeing on a peace treaty, which organized the country federally. However, since 1995 federalism has been used as a tool not only of peace-making, but to address some of the wider issues of the Bosnian state and therefore directly tackle the root causes of the conflict, namely the relationship of the three peoples to each other and to the joint state and their relationship to Bosnia’s two big neighbouring states, Serbia and Croatia.

**The evolution of Bosnia’s federal system since 1995**

Bosnia’s federal system, characterised by two entities and strict power-sharing guidelines (Bieber, 2006; Keil, 2010) has undergone a remarkable process of change over the last 15 years. While federal countries such as Germany, Austria and the United States have witnessed calls for decentralisation and a reduction of the decision-making and financial powers of the central government, in Bosnia there has been a constant call for more centralisation. Indeed, the state that was created in 1995 was hardly functional and continued internal obstruction resulted in a lack of political progress. Important reforms to recover the economy, rebuild the infrastructure and re-unite the broken society were blocked or delayed. Political elites refused to meet and there was literally not progress in post-war reconstruction between 1995 and 1997 (Bildt, 1998). This resulted in the decision of the international community to extend the powers of the High Representative (HR), whose role it was to oversee the civilian elements of the Dayton Peace Agreement (PIC 1997). As a result of this decision, the HR was allowed to impose legislation, stop and veto legislation that had passed parliament and to remove obstructive officials, who were acting against the peace process. Since the HR was the last instance to interpret the peace agreement, he became judge and executor at the same time. As a consequence of this important decision, a number of key reforms have been implemented in Bosnia due to interventions by the HR. These include the introduction of new state symbols and a new currency, the reform of the army and constitutional changes to the entity constitutions.

More generally, four periods of reform can be distinguished in post-war Bosnia.[[3]](#endnote-3) In the first period, ranging from 1995-1998 the international community focused on peace-building. NATO troops were the main actor and the local political elites focused on de-militarisation and adjusting to the new circumstances in the country. Neither the HR, nor the local elites have demonstrated any willingness to implement the civilian aspects of the peace agreement and contribute to the reconstruction of the Bosnian state. Nevertheless, it can be seen as a great success of international intervention and peace-building that no large-scale violence broke out in Bosnia after 1995.

The second period goes from 1998 to 2002/3. In this period it was particularly the HR, who introduced important reforms and contributed to the reconstruction of a Bosnian state. The political institutions at state level were rebuilt and became more influential due to a number of important decisions by the HR. While local elites continued to undermine the peace process they also recognised the importance of the new changes. Some, such as Bilijana Plavsić demonstrated their willingness to work together with the international actors, while others, such as the Croat leadership refused and openly challenged the international authority and the Bosnian state (Bieber 2001). Nevertheless, reforms to allow for free movement and a recovery of the economy, as well as the Millions of US Dollar in Aid showed signs of success. More refugees returned to their former homes, the elites in the RS started to cooperate with the international community and in 2000 a non-nationalist government took over at the state level and in the FBiH. Important changes to the entity constitutions in 2002 also meant that ethnic homogeneity was removed as a constitutional principle. Furthermore, reforms of the customs and taxation system meant that the central state received its own independent income. The years between 1999 and 2000 were furthermore important, because democratic governments took over in Croatia and Serbia and the support for the secessionist tendencies of Bosnian Croats and Serbs vanished (but political support particularly from Serbia for the Bosnian Serbs remained). After the Kosovo War in 1999 the European Union (EU) started to become active in the region and offer membership as a long-term political solution. The reforms in the state focused on re-installing state structures and providing the central level with more authority and competences. Federalism became a tool of state-building and the adjustment of competences between entities and central state can be seen as an example for this.

The third period between 2002 and 2006 saw the connection of state-building and Europeanization. The EU became more and more involved in Bosnia, and the Office of the HR was combined with the office of an EU Special Representative (EUSR). Important reforms that altered the balance between central and regional level were implemented by the HR, but often after local elites have been involved in the discussion and even agreed on the basics of the reform. The defence forces were put under a central command and new ministries were created to demonstrate the growing importance of the state-level. While reforms were still contested between Bosniaks, Croats and Serbs, there seemed to be a general drive for EU integration and stabilisation in Bosnia. The economy grew at about 5 per cent per year and the post-war recovery generated some wealth. However, while local elites became more involved in the reform process and Serb and Croat politicians started to take the central level seriously as a forum of political decision-making, key reforms were still implemented by the HR and a general consensus on the nature of the Bosnian state was still missing. This period ended when a Constitutional Reform Package failed to get a 2/3 majority in the House of Representatives in April 2006.

The final phase can be dates since 2006. It is a phase of permanent crisis, in which the different local elites have blocked each other, the representatives of the RS have become more radical in their rhetoric and the international community has become less focused on the developments in Bosnia (Bieber and Keil 2011). While the EU has become more involved in Bosnia and has attempted to manage the reform process (Sebastian 2009), there has been a general lack of progress since 2006. The international community decided that Bosnian elites should take control of their state and that the state cannot be reformed via international imposition anymore. The EU’s soft power focused on the use of conditionality as the main tool to motivate local elites to implement important reforms (Chandler 2010). This however had very limited success, because Bosnian elites are still divided over fundamental issues regarding the very nature of the Bosnian state. While Bosniaks prefer more centralisation and changes towards liberal democracy (one person, one vote), Serbs and Croats demand a further manifestation of the strict power-sharing system. Croats demand territorial changes to allocate a third entity for Croats and Serbs focus on the autonomy of the RS and their veto rights in the joint state. The state as such remains contested and Bosnian Serbs have threatened secession as a last resort numerous times. Because the state remains contested and its status is unclear and questioned the EU’s conditionality cannot act as a catalyst of reforms and create political unity as it has done previously in Eastern Europe. Without a solution to the permanent crisis of the Bosnian state and its federal model there will be no political progress and Bosnia’s risks losing out in the EU integration process.

Since 1995, there has been a remarkable centralisation in Bosnia and Herzegovina. The number of state institutions, ministries and agencies has grown rapidly and important policy areas such as defence and taxation have been centralised. The Dayton Constitution, which is very strict on constitutional changes and requests 2/3 of the vote in both Houses of the Parliament has nevertheless been proven to be relatively flexible, particularly when the final interpretation of the Constitution came from the HR (Bieber, 2006b). However, in 2006 the international community believed that they had established a federal state in which the three different constituent peoples can decide independently on the future of their state. International actors believed that the reforms implemented until 2006 were enough to ensure that the Bosnian state as such would not be questioned anymore. We know today that this was not the case and that the fundamental issue of Bosnian statehood and the relationship of all three constituent peoples to the Bosnian state remains contested.

**Conclusion**

Bosnia became a federal country in a very unique way. Federalism was imposed by outsiders as a conflict-resolution mechanism to end the violence in the country and ensure the establishment of a number of institutions and levels of governance. Since 1995 however, the system has undergone a number of important reforms. Generally, there reforms have contributed to strengthening the central state institutions. In contrast to other federal states it was recognised that political reforms were needed to strengthen the central level since the autonomy of the entities was seen as a serious threat to Bosnian statehood. In 2006 the international community believed that it had built a federal state, which would not be contested anymore. While they recognised the need for further reforms in Bosnia, international actors thoroughly believed that the reforms until 2006 had enforced a political reality in which Bosnian statehood could not be contested anymore. More than five years later we can conclude that this was not the case. Bosnia remains a contested country and even EU conditionality and European support for reforms has not been enough to overcome the fundamental disagreement on the nature of the Bosnian state. What Bosnia needs is a consensus on the state. Political elites from all major groups must find a compromise to define the state and reform the institutions to ensure efficient decision-making and the protection of vital interests of all groups. The EU can encourage discussions about these reforms and countries like Belgium, Canada and Switzerland might offer important lessons for Bosnia in terms of diversity management. What the EU or any international body cannot do is to build or adjust the Bosnian state via direct intervention. If there is one lesson to be learnt from the use of federalism as a tool of conflict-resolution in Bosnia and Herzegovina, then it is that federalism and power-sharing might be appropriate instruments to end violent conflicts. In the case of Bosnia federalism has also contributed to state-building. But international actors cannot force their vision of a state on local elites (and indeed the local population). While international actors can guarantee security and peace, they cannot build states. This can only be done through compromise and cooperation of local political elites.

1. Until 2002 the entities as well as the cantons were defined as mono-ethnic. The Constitution of the Republika Srpska qualified it as the “State of the Serbs.” This changed after the Constitutional Court decided in 2000 in the so-called “Constituent Peoples Decision” that Bosniaks, Croats, and Serbs among Others are constituent peoples throughout the whole territory of BiH. Consequently the entities and the cantons had to change their constitutions. See further Bieber 2004. [↑](#endnote-ref-1)
2. For the theory of ethnonationalism see Connor 1994. [↑](#endnote-ref-2)
3. Florian Bieber (2006b) also distinguishes between different periods of post-war development in Bosnia.

   **References**

   Bebler, Anton (2008), ‘South-East European Federalism and Contemporary Bosnia and Herzegovina’ *Acta Slavica Iaponica,* No.24, pp. 1-23.

   Bieber, F. (2010), ‘Ethnicity and Territory in International Peace Proposals in the Former Yugoslavia’ in: Woelk, J. (ed), *Constitutional Dimensions of Cultural and Territorial Pluralism in the*

   *Balkan*. The Hague: Martinus Nijhoff/Brill.

   Bieber, F. (2006) *Post- War Bosnia (Ethnicity, Inequality and Public Sector Governance)* Basingstoke: Palgrave McMillian.

   Bieber, F. (2006b), ‘After Dayton, Dayton? The Evolution of an Unpopular Peace’ *Ethnopolitics*, Vol. 5, No. 1, 15-31.

   Bieber, F. (2004), ‘Towards better Governance with more Complexity?’ in: C. Solioz and T. Vogel, (eds.) *Dayton and Beyond: Perspectives on the Future of Bosnia and Herzegovina*, Baden-Baden: Nomos.

   Bieber, F. (2001), ‘Croat Self-Government in Bosnia- A Challenge for Dayton?‘ *ECMI Brief,* No.5.

   Bieber, F. and Keil. S. (2011) ‘The Bosnian Crisis and the Independence of Kosovo’, in: Hysa, H. and Dušan Janjić (eds.): *Kosovo: Independence, Status, Perspectives*, Bologna: A Longo Editore.

   Bildt, C. (1998), *Peace Journey (The Struggle for Peace in Bosnia),* London: Weidenfeld and Nicolson.

   Bose, Sumantra (2002), *Bosnia after Dayton (Nationalist Partition and International Intervention)*, London: Hurst & Company.

   Burg, Steven and Shoup, Paul (1999), *The War in Bosnia-Herzegovina (Ethnic Conflict and International Intervention),* Armonk and London: M.E.Sharpe.

   Burgess, Michael (2006), *Comparative Federalism (Theory and Practice)*, London: Routledge.

   Burgess, M. (2001), ‘Comparing national visions: Canada-Quebec relations in comparative perspective’ in: A. Gagnon and C.Taylor (eds), *Multinational Democracies,* Cambridge and New York: Cambridge University Press.

   Chandler, D. (2010), ‘The EU and Southeastern Europe: The Rise of Post-liberal Governance’ *Third World Quarterly*, Vol. 31, No. 1, 69-85.

   Connor, Walker (1994), *Ethnonationalism (The Quest for Understanding)*, Princeton: Princeton University Press.

   Elazar, Daniel (1985): ‘Federalism and Consociational Regimes’, *Publius: The Journal of Federalism,* Vol. 15, No. 2, pp. 17-34.

   General Framework Agreement for Peace in Bosnia and Herzegovina (1995), Annex 4: Constitution, available at: <http://www.ohr.int/dpa/default.asp?content_id=372>

   Hoare, Attila (2007), *The History of Bosnia (From the Middle Ages to the Present Day*), London: Saqi Books.

   Hoare, Attila (2004), *How Bosnia Armed*, London: Saqi Books.

   Holbrooke, Richard (1999), *To End a War,* New York: Modern Library.

   Keil, S. (2010)‘Mythos und Realität eines ethnischen Föderalismus in Bosnien und Herzegowina’ *Südosteuropa Mitteilungen*, Vol. 50, pp. 76-86.

   King, Preston (1982), *Federalism and Federation*, Beckenham: Croom Helm.

   Kymlicka, Will (2000), ‘Federalism and Secession: At Home and Abroad’ *Canadian Journal of Law and Jurisprudence,* Vol. 13, No. 2, pp. 207-224

   Lijphart, Arend (1985), ‘Non- Majoritarian Democracy: A Comparison of Federal and Consociational Theories’ *Publius: The Journal of Federalism,* Vol. 15, No. 2, pp. 3-15.

   Lijphart, Arend (1977), *Democracy in Plural Societies*, New Haven: Yale University Press.

   Malcolm, Noel (2002), *Bosnia, a short history*, Basingstoke and Oxford: PanBooks.

   Peace Implementation Council (PIC) (1997) *PIC Bonn Conclusions*, available at: <http://www.ohr.int/pic/default.asp?content_id=5182#11>

   Pejanović, Mirko (2007), *The Political Development of Bosnia and Herzegovina in the Post-Dayton Period*, Sarajevo: Šahinpašić.

   Ramsbotham, Oliver, Woodhouse, Tom and Miall, Hugh (2007), *Contemporary Conflict Resolution*, 2nd edition, Cambridge and Malden: Polity.

   Sebastian, S. (2009), ‘The Role of the EU in the Reform of Dayton in Bosnia and Herzegovina’ in: *Ethnopolitics*, Vol. 8, No.3, pp. 341-354.

   Sisk, Timothy (1996), *Power-Sharing and International Mediation in Ethnic Conflict*, Washington D.C.: United States Institute of Peace.

   Wallensteen, Peter (2007), *Understanding Conflict Resolution: War, Peace and the International System*, 2nd edition, New Delhi and Thousand Oaks: Sage Publications.

   Watts, Ronald (1999), *Comparing Federal Systems*, 2nd Edition, Montreal and Kingston: McGill Queen’s University Press.

   Watts, Ronald (1998), ‘Federalism, Federal Political System, and Federation’ *Annual Review of Political Science,* Vol. 1, No. 1, pp. 117- 137.

   Wolff, Stefan (2009), ‘Complex Power-sharing and the Centrality of Territorial Self-governance in Contemporary Conflict Settlements’ *Ethnopolitics,* Vol. 8, No.1, pp. 27-45. [↑](#endnote-ref-3)